

[Third Reprint]

ASSEMBLY, No. 3719

STATE OF NEW JERSEY

210th LEGISLATURE

INTRODUCED JUNE 16, 2003

Sponsored by:

Assemblyman WILFREDO CARABALLO

District 29 (Essex and Union)

Co-Sponsored by:

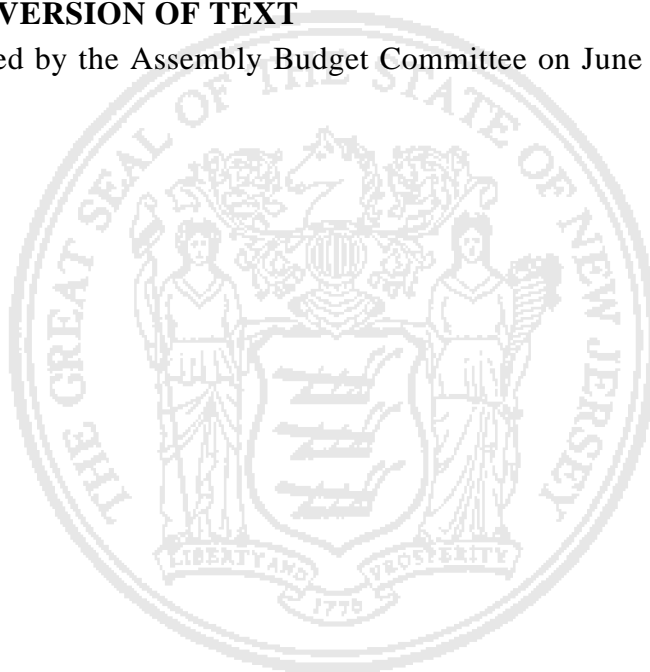
Senator Codey

SYNOPSIS

Establishes and increases certain fees and penalties and provides for the use thereof.

CURRENT VERSION OF TEXT

As reported by the Assembly Budget Committee on June 30, 2003, with amendments.



(Sponsorship Updated As Of: 7/1/2003)

1 **AN ACT** establishing and increasing certain fees imposed by and on
2 behalf of the State and providing for the use of certain fees,
3 amending and supplementing various parts of the statutory law.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. R.S.34:7-3 is amended as follows:
9 34:7-3. Each application for examination and for any license issued
10 by the bureau shall be accompanied by fees as set forth in this section.
11 The fees, established hereunder pursuant to the amendatory provisions
12 of P.L. , c. (pending before the Legislature as this bill) shall be
13 in effect for State fiscal years 2003-04 and 2004-05. Thereafter, such
14 fees may be adjusted by the Commissioner of Labor in accordance
15 with fee schedules adopted by regulation. Such fees shall be made
16 payable to the Commissioner of Labor. There shall be no other charge
17 for the initial examination or for one re-examination taken within six
18 months of the original examination. Failure to appear for examination
19 or to obtain a passing grade shall not entitle the applicant to a refund
20 of any fee.

21	
22	Original application..... [\$25] <u>\$50</u>
23	Raise of grade or additional
24	classification application..... [\$20] <u>\$40</u>
25	Additional examinations, in excess of
26	2, on any application..... [\$10] <u>\$20</u>
27	Annual license renewal if requested no
28	later than expiration date..... [\$10] <u>\$20</u>
29	License renewal for 3 years if requested
30	no later than expiration date..... [\$20] <u>\$40</u>
31	Application for renewal, if made not more
32	than 3 years after expiration and if all
33	penalties lawfully imposed upon the applicant
34	by the Mechanical Inspection Bureau have
35	been paid 1 year..... [\$15] <u>\$30</u>
36	3 years..... [\$30] <u>\$60</u>
37	

38 Upon failure to so renew a license for a period of 3 years and 1 day
39 after expiration date all records pertaining to such license may be
40 destroyed pursuant to the "Destruction of Public Records Law

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly ABU committee amendments adopted June 19, 2003.

² Assembly floor amendments adopted June 23, 2003.

³ Assembly ABU committee amendments adopted June 30, 2003.

1 (1953),” P.L.1953, c.410 (C.47:3-15 et seq.) and any application for
2 renewal of the license will be treated as an original application for
3 examination. All fees collected under this article shall be applied
4 toward enforcement and administration costs of the Division of
5 Workplace Standards in the Department of Labor.

6 Any license may be revoked or suspended by the commissioner
7 upon receiving evidence of incompetence, negligence, intoxication
8 while on duty or other reason establishing that the licensee is unfit to
9 hold a license, after notice is given to the licensee and a hearing
10 afforded him before one or more members of the examining board.
11 In case revocation or suspension is recommended by the member of
12 members conducting the years, it shall not be acted upon by the
13 commissioner until at least 15 days notice of the recommendation shall
14 be given to the licensee and an opportunity afforded him within that
15 time period to ask for a rehearing before the commissioner. After
16 rehearing, if requested, the commissioner may affirm, modify or
17 dismiss such recommendation. Pending a hearing or rehearing as
18 provided in this paragraph, the commissioner may authorize the
19 suspension of a license in the interest of health and safety.

20 (cf: P.L.1991, c.205, s.7)

21
22 2. R.S.34:7-6 is amended as follows:

23 34:7-6. Any person who shall violate any of the provisions of this
24 article shall be liable to a penalty of not less than ~~[\$50]~~ \$500 nor more
25 than ~~[\$500]~~ \$5,000 per day for each violation, to be collected by suit
26 or compromise. An officer of a corporation violating any of the
27 provisions of this article shall be personally liable, for the violation by
28 such corporation. Any manager, superintendent or other person in
29 charge of any building or other places in which this article is violated
30 shall be liable for such violation. Any sum collected as a penalty
31 pursuant to this section shall be applied toward enforcement and
32 administration costs of the Division of Workplace Standards in the
33 Department of Labor.

34 (cf: P.L.1991, c.205, s.8)

35
36 3. R.S.34:7-14 is amended as follows:

37 34:7-14. a. All steam or hot water boilers or similar equipment
38 potentially capable of generating steam, except steam boilers having
39 adequate relief devices set to discharge at a pressure not greater than
40 15 pounds per square inch, gage, or hot water boilers having adequate
41 relief devices set to discharge at a pressure not greater than 160
42 pounds per square inch, gage, and which hot water boilers are reliably
43 limited to temperatures not exceeding 250 degrees Fahrenheit, when
44 such steam or hot water boilers serve dwellings of less than six-family
45 units or other dwellings with accommodations for less than 25
46 persons, shall be inspected and be subject to a hydrostatic test, if

1 necessary, at least once in each year, at 12-month intervals, by an
2 inspector of the Division of Workplace Standards, excepting, however,
3 such as may be insured after having been regularly inspected in
4 accordance with the terms of this article by insurance companies,
5 whose inspectors shall have satisfactorily passed an examination or
6 received certificates of competency approved by the commissioner.
7 Such inspection shall be as completely internal and external as
8 construction permits, except that in the case of a steam or hot water
9 boiler or similar equipment, the operation of which is an integral part
10 of or necessary to a continuous processing operation, internal
11 inspections may, at the discretion of the commissioner, be performed
12 at intervals in excess of 12 months as permitted by the shutting down
13 of the processing operation. The inspection of any equipment
14 described in this chapter by a certified inspector of an insurance
15 company shall be acceptable in lieu of State inspection. This article
16 shall not apply to any boiler having less than 10 square feet of heating
17 surface or a heat input of less than 10 kilowatts or 40,000 British
18 Thermal Units per hour or to equipment under the jurisdiction and
19 control of the United States Government, the inspection of which is
20 actively regulated by a federal agency, or to equipment used solely for
21 the propulsion of motor vehicles regulated by Title 39 of the Revised
22 Statutes.

23 b. All other pressure vessels may be inspected and be subject to
24 test after installation and periodically at such intervals as the
25 commissioner may by rule establish. Inspection and test shall be
26 performed by an inspector of the Division of Workplace Standards
27 excepting, however, such as may be insured after having been regularly
28 inspected in accordance with the terms of this article, by insurance
29 companies, whose inspectors shall have satisfactorily passed an
30 examination or received certificates of competency approved by the
31 commissioner, or such as may be regularly inspected by a certified
32 user-inspector of a registered inspection agency approved by the
33 commissioner. Such user-inspection shall have passed an examination
34 or received a certificate of competency from the commissioner, and the
35 inspection shall be conducted in such manner as the commissioner may
36 by rule provide. The inspection of any equipment described in this
37 subsection by a certified inspector of an insurance company or a
38 certified user-inspector of a registered inspection agency shall be
39 acceptable in lieu of State inspection where such inspections are
40 recorded with the Division of Workplace Standards accompanied by
41 fees in accordance with the following schedule; the fees established
42 hereunder pursuant to the amendatory provisions of P.L. _____, c. _____
43 (pending before the Legislature as this bill) shall be in effect for State
44 fiscal years 2003-04 and 2004-05, after which such fees may be
45 adjusted by the Commissioner of Labor in accordance with fee
46 schedules adopted by regulation: one to 25 vessels,[\$5.00] \$15.00

1 each; 26 to 100 vessels, ~~[\$2.50]~~ \$7.50 each; 101 to 500 vessels,
2 ~~[\$2.00]~~ \$6.00 each; and over 500 vessels, ~~[\$1.50]~~ \$4.50 each. These
3 fees are to be collected from the owner or user but payable by the
4 inspection agency to the Department of Labor.

5 This subsection shall not apply to any pressure vessels:

6 (1) Subject to internal or external pressure not exceeding 15 psig;
7 or

8 (2) Having inside diameter not exceeding 6 inches; or

9 (3) Used for water storage purposes serving dwellings of less than
10 six-family units or other dwellings with accommodations for less than
11 25 persons, when none of the following limitations is exceeded:

12 (a) 200 degrees Fahrenheit

13 (b) 120 gallons water containing capacity

14 (c) 160 psig; or

15 (4) Under the jurisdiction and control of the United States
16 Government, the inspection of which is actively regulated by a Federal
17 agency; or to equipment used solely for the propulsion of motor
18 vehicles regulated by Title 39 of the Revised Statutes.

19 (cf: P.L.1985, c.109, s.1)

20
21 4. R.S.34:7-15 is amended as follows:

22 34:7-15. a. For each internal and external inspection of vessels
23 specified in subsection a. of N.J.S.A.34:7-14, which shall include
24 hydrostatic test if found necessary, the owner, lessee or operator of
25 the vessel shall pay to the Department of Labor a fee of ~~[\$25]~~ \$40 for
26 vessels having 10 and not over 60 square feet of heating surface, ~~[\$35]~~
27 \$55 for vessels over 60 and not over 1,000 square feet of heating
28 surface and ~~[\$50]~~ \$75 for vessels over 1,000 square feet of heating
29 surface; plus the actual travel expenses of the inspector. The fees
30 established under this subsection pursuant to the amendatory
31 provisions of P.L. , c. (pending before the Legislature as this
32 bill) shall be in effect for State fiscal years 2003-04 and 2004-05, and
33 thereafter may be adjusted by the Commissioner of Labor in
34 accordance with fee schedules adopted by regulation.

35 b. For each inspection of vessels specified in subsection b. of
36 R.S.34:7-14, the owner, lessee or operator of the vessel shall pay to
37 the Department of Labor ~~[the actual travel expenses of the inspector~~
38 ~~and]~~ a fee of ~~[\$5.00]~~ \$10.00 for vessels not over 30 square feet size,
39 ~~[\$10.00]~~ \$20.00 for vessels over 30 but not over 60 square feet size,
40 ~~[\$15.00]~~ \$30.00 for vessels over 60 but not over 100 square feet size,
41 ~~[\$20.00]~~ \$40.00 for vessels over 100 square feet. In determining size
42 rating, the extreme diameter multiplied by the vessel length, or
43 equivalent dimensions, shall be used. The fees established under this
44 subsection pursuant to the amendatory provisions of P.L. , c.
45 (pending before the Legislature as this bill) shall be in effect for State

1 fiscal years 2003-04 and 2004-05, and thereafter may be adjusted by
2 the Commissioner of Labor in accordance with fee schedules adopted
3 by regulation.

4 c. The Division of Workplace Standards shall maintain an
5 inspection service for the purpose of providing shop inspection of
6 those vessels regulated by Chapter 7 of Title 34 of the Revised
7 Statutes, which are under construction or new, or which are to be used
8 for a purpose other than that for which originally approved, or which
9 have never been subject to a previous inspection in New Jersey. This
10 service shall be provided for New Jersey builders, owners or users of
11 such vessels upon their request only. The fees for this service[,
12 exclusive of the actual travel expenses of the inspector, which also
13 shall be paid,] shall be set by the commissioner and shall be: (1) not
14 more than ~~[\$25.00]~~ \$50.00 for each vessel inspected, provided that he
15 may establish a charge for each visit, for the purpose of inspection, of
16 not less than ~~[\$50.00]~~ \$100.00 nor more than \$300; (2) for
17 construction review of vessel not designed in accordance with
18 standards set by the Board of Boiler, Pressure Vessel and
19 Refrigeration Rules, not less than \$500 nor more than \$1,500. The
20 fees established under this subsection pursuant to the amendatory
21 provisions of P.L. , c. (pending before the Legislature as this bill)
22 shall be in effect for State fiscal years 2003-04 and 2004-05 and
23 thereafter may be adjusted by the Commissioner of Labor in
24 accordance with fee schedules adopted by regulation.

25 (cf: P.L.1991, c.205, s.9)

26
27 5. R.S.34:7-16 is amended as follows:

28 34:7-16. In addition to the annual internal and external inspection,
29 there may be an external inspection if found necessary of each vessel
30 specified in subsection a. of R.S.34:7-14, which shall be made as
31 nearly as may be at the expiration of 6 months from each annual
32 inspection and for which the owner, lessee or operator shall pay to the
33 ~~[inspector]~~ Department of Labor a fee of ~~[\$25]~~ \$50 [, in addition to
34 the actual cost of travel incurred by the inspector in going to and
35 returning from the place of inspection]. The fees established hereunder
36 pursuant to the amendatory provisions of P.L. , c. (pending
37 before the Legislature as the bill) shall be in effect for State fiscal years
38 2003-04 and 2004-05 ³[shall be in effect for two full fiscal years
39 following enactment of this amendment]³ and thereafter may be
40 adjusted by the Commissioner of Labor in accordance with fee
41 schedules adopted by regulation. Each vessel insured by an insurance
42 company may also be given an external inspection by a certified
43 inspector.

44 (cf: P.L.1991, c.205, s.10)

45
46 6. R.S.34:7-19 is amended as follows:

1 34:7-19. An insurance company making an inspection of any vessel
2 specified in R.S. 34:7-14 shall make a report of such inspection to the
3 commissioner in such manner and at such intervals as he may by rules
4 provide, and shall pay the commissioner a fee of [not less than \$2.00
5 nor more than \$10] \$20 [as set by the commissioner,]. The fee
6 established hereunder pursuant to the amendatory provisions of
7 P.L. , c. (pending before the Legislature as this bill) shall be in
8 effect for State fiscal years 2003-04 and 2004-05, and thereafter may
9 be adjusted by the Commissioner of Labor in accordance with fee
10 schedules adopted by regulation.

11 The fees shall be payable by and collected from the owner, lessee
12 or operator by the insurer or inspector at the time of inspection for
13 each boiler insured within the State. It is further provided that payment
14 of these fees may be made by the insurer through other methods when
15 required or allowed by the commissioner, as provided in R.S.34:7-18.
16 (cf: P.L.1991, c.205, s.11)

17
18 7. R.S.34:7-25 is amended as follows:

19 34:7-25. All refrigeration systems using flammable or toxic
20 refrigerants of over three tons of refrigerating capacity or requiring
21 over six driving horsepower, and all refrigeration systems using
22 nonflammable and nontoxic refrigerants of over 18 tons of
23 refrigerating capacity or requiring over 36 driving horsepower, having
24 relief devices set over 15 pounds per square inch gage and used in a
25 plant of any size or storage capacity, shall be inspected annually by an
26 inspector of the Mechanical Inspection Bureau or of an insurance
27 company, as provided in subsection a. of R.S.4:7-14; and the owner,
28 lessee or operator shall comply with the recommendations of the
29 inspector in conformity with the rules and regulations adopted by the
30 Board of Boiler, Pressure Vessel and Refrigeration Rules of the
31 Mechanical Inspection Bureau and approved by the commissioner.

32 The fees for such inspection by an inspector of the Mechanical
33 Inspection Bureau shall be as follows:

34 a. Refrigeration systems of 25 tons and over, but less than 300 tons
35 of refrigerating capacity, the sum of[~~\$50~~] \$75 for each inspection[,
36 plus the actual travel expense of the inspector];

37 b. Refrigeration systems under 25 tons and over 3 tons of
38 refrigerating capacity, the sum of[~~\$35~~] \$50 for each inspection[, plus
39 the actual travel expense of the inspector];

40 c. Refrigeration systems of 300 tons or over of refrigerating
41 capacity, the sum of[~~\$70~~] \$100 for each inspection[, plus the actual
42 travel expense of the inspector].

43 [The fees and travel expenses shall be paid to the inspector, at the
44 time of inspection, by the owner, lessee or operator of the refrigeration
45 system.] The fees established hereinabove pursuant to the amendatory

1 provisions of P.L. , c. (pending before the Legislature as this bill)
2 shall be in effect for State fiscal years 2003-04 and 2004-05, and
3 thereafter may be adjusted by the Commissioner of Labor in
4 accordance with fee schedules adopted by regulation.

5 The annual inspection and inspection reports of refrigeration
6 systems by insurance companies licensed to do business within this
7 State and otherwise complying with this chapter shall be accepted in
8 lieu of other inspections. Each insurance company shall file with the
9 commissioner a report of each inspection and shall pay to him a fee of
10 ~~[\$10]~~ \$20 for each annual refrigeration system inspection, to be
11 collected by the insurer from the owner or lessee of the plant
12 inspected. Such fee as established pursuant to the amendatory
13 provisions of P.L. , c. (pending before the Legislature as this bill)
14 shall be in effect for State fiscal years 2003-04 and 2004-05, and
15 thereafter may be adjusted by the Commissioner of Labor in
16 accordance with fee schedules adopted by regulation. After the
17 owner, lessee or operator has complied with the rules or regulations,
18 a certificate shall be issued by the Mechanical Inspection Bureau,
19 which certificate shall be valid for one year and be the authority for the
20 operation of the refrigeration system during such time. Upon
21 expiration, the certificate shall be renewed by the Mechanical
22 Inspection Bureau if the refrigeration system is found to be in proper
23 condition for operation within the prescribed rules of the Mechanical
24 Inspection Bureau. All fees collected under chapter 7 of Title 34 of the
25 Revised Statutes shall be applied toward enforcement and
26 administration costs of the Division of Workplace Standards in the
27 Department of Labor.

28 (cf: P.L.1991, c.205, s.12)

29
30 8. R.S.34:7-26 is amended as follows:

31 34:7-26. Any owner, lessee, seller or operator of any steam or hot
32 water boiler or similar equipment specified in R.S.34:7-14, pressure
33 vessel or refrigeration system who shall sell, use, cause or allow to be
34 used such steam or hot water boiler or similar equipment specified in
35 R.S.34:7-14, pressure vessel or refrigeration system in violation of any
36 provision of this article shall be liable to a penalty of not less than
37 \$500.00 nor more than~~[\$1,000.00]~~ \$10,000.00 for each first offense
38 and not less than \$500.00 nor more than~~[\$2,500.00]~~ \$25,000.00 for
39 each subsequent offense, to be collected by a civil action or, in the
40 commissioner's discretion, to be imposed by the commissioner as a
41 compromise. All civil actions shall be brought by the Department of
42 Labor as plaintiff, and may be brought in the Special Civil Part, Law
43 Division of the Superior Court of the county, or municipal court of the
44 municipality, wherein such violation shall occur. Any sum collected as
45 a penalty pursuant to this section shall be applied toward enforcement

1 and administration costs of the Division of Workplace Standards in the
2 Department of Labor.
3 (cf: P.L.1991, c.205, s.13)
4

5 9. (New section) The Department of Health and Senior Services
6 may, pursuant to regulation adopted in accordance with the
7 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
8 seq.), establish and charge reasonable fees not to exceed \$100 to cover
9 administrative costs associated with the issuance of a "Certificate of
10 Free Sale." For the purpose of this act, a "Certificate of Free Sale" is
11 defined as a certificate completed and issued by the department
12 attesting that a specific food, drug, cosmetic, or medical device
13 product regulated under Title 24 of the Revised Statutes, as amended
14 and supplemented, and manufactured, distributed, and offered for sale
15 in this State is labeled in conformance with the applicable food, drug,
16 cosmetic, or medical device laws and rules of this State and further
17 attests to the results of the most recently conducted sanitary inspection
18 of the manufacturer or distributor of the subject product.

19 Further, the Department of Health and Senior Services may,
20 pursuant to regulation adopted in accordance with the "Administrative
21 Procedure Act," establish and charge reasonable fees not to exceed
22 \$100 to cover administrative costs associated with the issuance of
23 other certifications or affidavits related to matters regulated by the
24 department under Title 24 of the Revised Statutes, as amended and
25 supplemented.
26

27 10. Section 10 of P.L.1971, c.136 (C.26:2H-10) is amended as
28 follows:

29 10. Application for a certificate of need shall be made to the
30 department, and shall be in such form and contain such information as
31 the department may prescribe. The department shall charge a
32 nonreturnable fee for the filing of an application for a certificate of
33 need. The minimum fee for the filing of an application shall be
34 ~~[\$5,000]~~ \$7,500. For a project whose total cost is greater than \$1
35 million, the fee shall be ~~[\$5,000]~~ \$7,500 plus ~~[0.15%]~~ 0.25% of the
36 total project cost. Upon determination that an application is complete,
37 copies thereof shall be referred by the department to the State Health
38 Planning Board for review, when applicable.

39 The board shall provide adequate mechanisms for full consideration
40 of each application submitted to the board and for developing
41 recommendations thereon. Such recommendations, whether favorable
42 or unfavorable, shall be forwarded to the commissioner within 90 days
43 of the date of referral of the application. A copy of the
44 recommendations made shall be forwarded to the applicant.

45 Recommendations concerning certificates of need shall be governed
46 and based upon the principles and considerations set forth in section

1 8 of P.L.1971, c.136 (C:26:2H-8).

2 No member, officer or employee of the State Health Planning Board
3 shall be subject to civil action in any court as the result of any act done
4 or failure to act, or of any statement made or opinion given, while
5 discharging his duties under this act as such member, officer, or
6 employee, provided he acted in good faith with reasonable care and
7 upon proper cause.

8 (cf: P.L.1998, c.43, s.10)

9

10 11. Section 3 of P.L.1997 c.399 (C.52:34-9.3) is amended to read
11 as follows:

12 3. A professional firm which wishes to be considered qualified to
13 provide professional architectural, engineering, or land surveying
14 services to an agency seeking to negotiate a contract or agreement for
15 the performance of such services shall file or shall have filed with the
16 agency a current statement of qualifications and supporting data. Such
17 a statement may be filed at any time during a calendar year, and a \$100
18 fee shall be remitted to the State Treasurer by the professional firm at
19 the time each statement is filed. The content of any such statement
20 shall conform to such regulations with respect thereto as the State
21 Treasurer, in accordance with the "Administrative Procedure Act,"
22 P.L.1968, c. 410 (C.52:14B-1 et seq.), shall promulgate. For the
23 purposes of this section and section 5 of this act, no statement which
24 shall have been filed more than two years prior to the publication of an
25 advertisement pursuant to the provisions of section 4 of this act shall
26 be deemed to be a current statement with respect to qualification of
27 the firm which shall have filed the statement to provide professional
28 architectural, engineering, or land surveying services under any
29 contract or agreement of which notice is given through that
30 advertisement.

31 A statement of qualifications and supporting data filed with an
32 agency under this section shall be a public record for all purposes of
33 P.L.1963, c.73 (C.47:1A-1 et seq.).

34 The fee prescribed hereunder shall not apply to any statements filed
35 before the effective date of P.L. _____, c. _____ (pending before the
36 Legislature as this bill).

37 (cf: P.L.1997, c.399, s.3)

38

39 12. R.S.52:35-2 is amended to read as follows:

40 52:35-2. Officials of the state shall require of all persons proposing
41 to submit bids on public work to be furnished for or on behalf of the
42 state or any officer, board, commission, committee, department or
43 other branch of the state government, a statement under oath in
44 response to a questionnaire, standardized for like classes of work, to
45 be submitted to such persons by such state official. The statement
46 shall develop fully the financial ability, adequacy of plant and

1 equipment, organization and prior experience of the prospective
2 bidder, and also such other pertinent and material facts as may seem
3 desirable. All persons shall remit a \$100 fee to the State Treasurer at
4 the time each statement is filed. The fee shall not apply to any
5 statements filed before the effective date of P.L. , c. (pending
6 before the Legislature as this bill).
7 (cf: R.S.52:35-2)

8
9 13. R.S.52:35-8 is amended to read as follows:

10 52:35-8. No person shall be qualified to bid on any contract, who
11 shall not have submitted a statement as required by R.S.52:35-2 within
12 a period of [18] 24 months preceding the date of opening of bids for
13 such contract.

14 (cf: P.L.1999, c.197 s.1)

15
16 14. Section 3 of P.L.1966, c.185 (C.27:7-35.3) is amended to read
17 as follows:

18 3. Any person desiring such classification shall file with the
19 department a statement under oath in response to a questionnaire,
20 prepared and standardized for like classes of work, by the department.
21 The statement shall develop fully the financial ability, adequacy of
22 plant and equipment, organization and prior experience of the
23 prospective bidder, and also such other pertinent and material facts as
24 may be deemed desirable. All persons shall remit a \$100 fee to the
25 Department of the Treasury at the time each statement is filed. The fee
26 shall be deposited in the general fund. The fee shall not apply to any
27 statements filed before the effective date of P.L. , c. (C.)
28 (pending before the Legislature as this bill).

29 (cf: P.L 1966, c.185, s.3)

30
31 15. N.J.S.17B:23-5 is amended to read as follows:

32 17B:23-5. a. When by or pursuant to the laws of any other state
33 or a province of Canada any taxes, licenses and other fees, in the
34 aggregate, and any fines, penalties, deposit requirements or other
35 obligations, prohibitions or restrictions are or would be imposed upon
36 New Jersey insurers, or upon the agents or representatives of such
37 insurers, which are in excess of such taxes, licenses and other fees, in
38 the aggregate, or which are in excess of the fines, penalties, deposit
39 requirements or other obligations, prohibitions, or restrictions directly
40 imposed upon similar insurers, or upon the agents or representatives
41 of such insurers of such other State or province under the statutes of
42 this State, so long as such laws of such other State or province
43 continue in force or are so applied, the same taxes, licenses and other
44 fees, in the aggregate, or fines, penalties or deposit requirements or
45 other obligations, prohibitions, or restrictions of whatever kind shall
46 be imposed by the commissioner upon the insurers or upon the agents

1 or representatives of such insurers, of such other State or province
2 doing business in New Jersey. Any tax, license or other fee or other
3 obligation imposed by any city, county, or other political subdivision
4 or agency of such other State or province on New Jersey insurers or
5 their agents or representatives shall be deemed to be imposed by such
6 State or province within the meaning of this section and the
7 commissioner may compute the burden of any such taxes on an
8 aggregate basis as an addition to the rate of tax payable by similar
9 New Jersey insurers in such State or province. The addition to the
10 rate of tax payable by similar New Jersey insurers shall be determined
11 by dividing (1) the aggregate of the tax obligations paid to such city,
12 county or other political subdivisions of such State or province by
13 such New Jersey insurers, by (2) the aggregate of the taxable
14 premiums of such insurers under the premium taxing statute of such
15 State or province. The commissioner may issue regulations to carry
16 out the purpose of this section that may include identification of any
17 specific obligation imposed any other state or province, in order to
18 ensure the ability of this State to calculate and collect all appropriate
19 fees.

20 b. This section shall not apply to personal income taxes, nor as to
21 ad valorem taxes on real or personal property nor as to special
22 purpose obligations or assessments imposed [by another State or
23 province] in connection with particular kinds of insurance; except that
24 deductions, from premium taxes otherwise payable, allowed on
25 account of real estate or personal property taxes shall be taken into
26 consideration by the commissioner in determining the propriety and
27 extent of retaliatory action under this section.

28 c. For the purposes of this section the domicile of an alien insurer,
29 other than insurers formed under the laws of Canada or a province
30 thereof, shall be that State designated by the insurer in writing filed
31 with the commissioner at time of admission to this State or within 6
32 months after the effective date of this code, whichever date is the later,
33 and may be any one of the following States:

34 (1) That in which the insurer was first authorized to transact
35 insurance;

36 (2) That in which is located the insurer's principal place of business
37 in the United States;

38 (3) That in which is held the larger deposit of trust assets of the
39 insurer for the protection of its policyholders and creditors in the
40 United States;

41 If the insurer makes no such designation its domicile shall be
42 deemed to be that State in which is located its principal place of
43 business in the United States. In the case of an insurer formed under
44 the laws of Canada or a province thereof, its domicile shall be deemed
45 to be that province in which its head office is situated.

46 (cf:P.L.1971, c.144, s.17B:23-5)

1 16. Section 2 of P.L.1971, c.158 (C.24:15-14) is amended to read
2 as follows:

3 2. Where no other fee is provided by law or regulation, the
4 commissioner may in accordance with a fee schedule adopted by
5 ~~him~~ the department as a rule or regulation establish and charge
6 reasonable fees for any service performed in the licensing and
7 inspection of any premises coming within the provisions of this
8 chapter. The fees charged as provided for by this section shall be no
9 more than ~~[\$500.00]~~ \$1,000 based on criteria set forth in the rule or
10 regulation.

11 (cf: P.L.1983, c.275, s.11)

12
13 17. Section 2 of P.L.1985, c.69 (C.53:1-20.6) is amended to read
14 as follows:

15 2. a. The Superintendent of State Police, with the approval of the
16 Attorney General, shall, pursuant to the "Administrative Procedure
17 Act," P.L.1968, c 410 (C.52:14B-1 et seq.), adopt rules and
18 regulations authorizing the dissemination, by the State Bureau of
19 Identification, of criminal history record background information
20 requested by State, county and local government agencies, including
21 the Division of State Police, in noncriminal matters, or requested by
22 individuals, nongovernmental entities or other governmental entities
23 whose access to such criminal history record background information
24 is not prohibited by law. A fee not to exceed~~[\$25]~~ \$30 shall be
25 imposed for processing fingerprint identification checks; a fee not to
26 exceed~~[\$15]~~ \$18 shall be imposed for processing criminal history
27 name search identification checks. These fees shall be in addition to
28 any other fees required by law. In addition to any fee specified herein,
29 a nonrefundable fee, the amount of which shall be determined by the
30 Superintendent of State Police, with the approval of the Attorney
31 General, shall be collected to cover the cost of securing and processing
32 a federal criminal records check for each applicant.

33 b. State, county and local government agencies, including the
34 Division of State Police, and nongovernmental entities are authorized
35 to impose and collect the processing fee established pursuant to
36 subsection a. of this section from the person for whom the criminal
37 history record background check is being processed or from the party
38 requesting the criminal history record background check. The
39 Superintendent of State Police shall provide this processing service
40 without the collection of fees from the applicants in processing
41 background checks of prospective foster parents or members of their
42 immediate families. In such cases, the Department of Human Services
43 shall be responsible for paying the fees imposed pursuant to subsection
44 a. of this section. Nothing in this section shall prohibit the
45 Superintendent of State Police, with the approval of the Attorney
46 General, from providing this processing service without the collection

1 of fees from the applicant in other circumstances which in his sole
2 discretion he deems appropriate, if the applicants would not receive a
3 wage or salary for the time and services they provide to an
4 organization or who are considered volunteers. In those circumstances
5 where the Superintendent of State Police, with the approval of the
6 Attorney General, determines to provide this processing service
7 without the collection of fees to the individual applicants, the
8 superintendent may assess the fees for providing this service on behalf
9 of the applicants to any department of State, county or municipal
10 government which is responsible for operating or overseeing that
11 volunteer program. The agencies shall transfer all moneys collected for
12 the processing fee to the Division of State Police.

13 (cf: P.L.1994, c.60, s.4)

14

15 18. Section 14 of P.L.1971, c.136 (C.26:2H-14) is amended to
16 read as follows:

17 14. Any person, firm, partnership, corporation or association who
18 shall operate or conduct a health care facility without first obtaining
19 the license required by this act, or who shall operate such health care
20 facility after revocation or suspension of license, shall be liable to a
21 penalty of not more than ~~[\$1,000]~~ \$2,500 as provided for by
22 regulation for each day of operation in violation hereof for the first
23 offense and \$5,000 for any subsequent offense. Any person, firm,
24 partnership, corporation or association who violates any rule or
25 regulation adopted in accordance with this act as the same pertains to
26 the care of patients and physical plant standards shall be subject to a
27 penalty of not more than ~~[\$2,500]~~ \$5,000 as provided for by
28 regulation for each day that he is in violation of such rule or
29 regulation. Upon notification to the facility of such violations as
30 pertain to the care of patients or to the hazardous or unsafe condition
31 existing in or upon the structure in which the licensed facility is
32 maintained, the commissioner shall allow the facility 72 hours in which
33 to correct any such violation and if at the end of such period the
34 violation is not corrected and it poses an imminent threat to the health,
35 safety or welfare of the public or the residents of the facility, he may,
36 in his discretion, summarily suspend the license of the facility without
37 a hearing and may order immediate correction of such violation as a
38 prerequisite of reinstatement of licensure. If a licensee that is subject
39 to summary suspension shall deny that a violation exists or has
40 occurred, he shall be have the right to apply to the commissioner for
41 a hearing. Such hearing shall be held and a decision rendered within
42 48 hours of receipt of said request. If the commissioner shall rule
43 against the licensee, the licensee shall have the right to apply for
44 injunctive relief against the commissioner's order. Jurisdiction of such
45 injunctive relief shall be in the Superior Court of New Jersey. Nothing
46 herein shall be construed to prevent the commissioner from thereafter

1 suspending or revoking the license in accordance with the procedure
2 set forth in section 13. If, within one year after such violation such
3 person, firm, partnership, corporation or association is found guilty of
4 the same violation such penalties as hereinbefore set forth shall be
5 doubled, and if there be a third violation within such time, such
6 penalties shall be tripled. In addition thereto the department may, in
7 its discretion, suspend the license for such time as it may deem proper
8 or revoke said license.

9 Any person, firm, partnership, corporation or association who
10 shall, except in cases of an emergency, maintain more patients in his
11 premises than he is licensed so to do, shall be subject to a penalty, in
12 accordance with the procedure set forth in section 13, in an amount
13 equal to the daily charge collected from such patient or patients plus
14 \$25.00 for each day each extra patient is so maintained.

15 (cf: P.L.1998, c.43, s.14)

16
17 19. Section 26 of P.L.1983, c.315 (C.34:5A-26) is amended to
18 read as follows:

19 26. a. There is established in the Department of the Treasury a
20 nonlapsing, revolving fund to be known as the "Worker and
21 Community Right To Know Fund." The "Worker and Community
22 Right To Know Fund" shall be credited with all fees collected pursuant
23 to paragraph (1) of subsection b. of this section and interest on
24 moneys in the "Worker and Community Right To Know Fund" shall
25 be credited to the "Worker and Community Right To Know Fund" and
26 all moneys in the "Worker and Community Right To Know Fund" are
27 appropriated for the purposes of the "Worker and Community Right
28 To Know Fund", and no moneys shall be expended for those purposes
29 without the specific appropriation thereof by the Legislature. The
30 State Treasurer shall be the administrator of the "Worker and
31 Community Right To Know Fund", and all disbursements from the
32 "Worker and Community Right To Know Fund" shall be made by the
33 State Treasurer upon the warrant of the Director of the Division of
34 Budget and Accounting.

35 b. The Department of Labor shall annually assess each employer
36 a fee of not less than~~[\$50.00]~~ \$75.00 nor more than an amount equal
37 to~~[\$2.00]~~ \$4.00 per employee to provide for the implementation of
38 the provisions of this act. All fees collected by the department
39 pursuant to this paragraph shall be deposited in the "Worker and
40 Community Right To Know Fund".

41 (cf: P.L.1991, c.235, s.20)

42
43 20. R.S.43:21-14 is amended to read as follows:

44 43:21-14. (a)(1) In addition to such reports as may be required
45 under the provisions of subsection (g) of R.S.43:21-11, every
46 employer shall file with the controller periodical contribution reports

1 on such forms and at such times as the controller shall prescribe, to
2 disclose the employer's liability for contributions under the provisions
3 of this chapter (R.S.43:21-1 et seq.), and at the time of filing each
4 contribution report shall pay the contributions required by this chapter
5 (R.S.43:21-1 et seq.), for the period covered by such report. The
6 controller may require that such reports shall be under oath of the
7 employer. Any employer who shall fail to file any report, required by
8 the controller, on or before the last day for the filing thereof shall pay
9 a penalty of ~~[\$5.00]~~ \$10.00 for each day of delinquency until and
10 including the fifth day following such last day and for any period of
11 delinquency after such fifth day, a penalty of ²~~[\$5.00]~~ \$10.00² a day
12 or ~~[20%]~~ 25% of the amount of the contributions due and payable by
13 the employer for the period covered by the report, whichever is the
14 lesser; if there be no liability for contributions for the period covered
15 by any contribution report or in the case of any report other than a
16 contribution report, the employer or employing unit shall pay a penalty
17 of ~~[\$5.00]~~ \$10.00 a day for each day of delinquency in filing or
18 ~~[\$25.00]~~ \$50.00, whichever is the lesser; provided, however, that
19 when it is shown to the satisfaction of the controller that the failure to
20 file any such report was not the result of fraud or an intentional
21 disregard of this chapter (R.S.43:21-1 et seq.), or the regulations
22 promulgated hereunder, the controller, in his discretion, may remit or
23 abate any unpaid penalties heretofore or hereafter imposed under this
24 section. On or before October 1 of each year, the controller shall
25 submit to the Commissioner of Labor a report covering the 12-month
26 period ending on the preceding June 30, and showing the names and
27 addresses of all employers for whom the controller remitted or abated
28 any penalties, or ratified any remission or abatement of penalties, and
29 the amount of such penalties with respect to each employer. Any
30 employer who shall fail to pay the contributions due for any period, on
31 or before the date they are required by the controller to be paid, shall
32 pay interest on the amount thereof from such date until the date of
33 payment thereof, at the rate of 1% a month through June 30, 1981 and
34 at the rate of 1 1/4% a month after June 30, 1981. Upon the written
35 request of any employer or employing unit, filed with the controller on
36 or before the due date of any report or contribution payment, the
37 controller, for good cause shown, may grant, in writing, an extension
38 of time for the filing of such report or the paying of such contribution,
39 with interest at the applicable rate; provided no such extension shall
40 exceed 30 days and that no such extension shall postpone payment of
41 any contribution for any period beyond the day preceding the last day
42 for filing tax returns under Title IX of the federal Social Security Act
43 for the year in which said period occurs.

44 (2)(A) For the calendar quarter commencing July 1, 1984 and each
45 successive quarter thereafter, each employer shall file a report with the
46 controller within 30 days after the end of each quarter in a form and

1 manner prescribed by the controller, listing the name, social security
2 number and wages paid to each employee and the number of base
3 weeks (as defined in subsection (t) of R.S.43:21-19) worked by the
4 employee during the calendar quarter. (B) Any employer who fails
5 without reasonable cause to comply with the reporting requirements
6 of this paragraph (2) shall be liable for a penalty in the following
7 amount for each employee with respect to whom the employer is
8 required to file a report but who is not included in the report or for
9 whom the required information is not accurately reported for each
10 employee required to be included, whether or not the employee is
11 included:

12 (i) For the first failure for one quarter in any eight consecutive
13 quarters, \$5.00 for each employee;

14 (ii) For the second failure for any quarter in any eight consecutive
15 quarters, \$10.00 for each employee; and

16 (iii) For the third failure for any quarter in any eight consecutive
17 quarters, and for any failure in any eight consecutive quarters, which
18 failure is subsequent to the third failure, \$25.00 for each employee.

19 (C) Information reported by employers as requested by this
20 paragraph (2) shall be used by the Department of Labor for the
21 purpose of determining eligibility for benefits of individuals in
22 accordance with the provisions of R.S.43:21-1 et seq.
23 Notwithstanding the provisions of subsection (g) of R.S.43:21-11, the
24 Department of Labor is hereby authorized to provide the Department
25 of Human Services and the Higher Education Assistance Authority
26 with information reported by employers as required by this paragraph
27 (2). For each fiscal year, the Director of the Division of Budget and
28 Accounting of the Department of the Treasury shall charge the
29 appropriate account of the Department of Human Services and the
30 Higher Education Assistance Authority in amounts sufficient to
31 reimburse the Department of Labor for the cost of providing
32 information under this subparagraph (C).

33 (D) For the purpose of administering the provisions of this
34 paragraph (2), all appropriations, files, books, papers, records,
35 equipment and other property, and employees currently assigned to the
36 Division of Taxation for the implementation of the "Wage Reporting
37 Act," P.L.1980, c.48 (C.54:1-55 et seq.), shall be transferred to the
38 Department of Labor as of September 1, 1984 in accordance with the
39 provisions of the "State Agency Transfer Act," P.L.1971, c.375
40 (C.52:14D-1 et seq.).

41 (b) The contributions, penalties, and interest due from any
42 employer under the provisions of this chapter (R.S.43:21-1 et seq.),
43 from the time they shall be due, shall be a personal debt of the
44 employer to the State of New Jersey, recoverable in any court of
45 competent jurisdiction in a civil action in the name of the State of New
46 Jersey; provided, however, that except in the event of fraud, no

1 employer shall be liable for contributions or penalties unless
2 contribution reports have been filed or assessments have been made in
3 accordance with subsection (c) or (d) of this section before four years
4 have elapsed from the last day of the calendar year with respect to
5 which any contributions become payable under this chapter
6 (R.S.43:21-1 et seq.), nor shall any employer be required to pay
7 interest on any such contribution unless contribution reports were filed
8 or assessments made within such four-year period; provided further
9 that if such contribution reports were filed or assessments made within
10 the four-year period, no civil action shall be instituted, nor shall any
11 certificate be issued to the Clerk of the Superior Court under
12 subsection (e) of this section, except in the event of fraud, after six
13 years have elapsed from the last day of the calendar year with respect
14 to which any contributions become payable under this chapter
15 (R.S.43:21-1 et seq.), or July 1, 1958, whichever is later. Payments
16 received from an employer on account of any debt incurred under the
17 provisions of this chapter (R.S.43:21-1 et seq.) may be applied by the
18 controller on account of the contribution liability of the employer and
19 then to interest and penalties, and any balance remaining shall be
20 recoverable by the controller from the employer. Upon application
21 therefor, the controller shall furnish interested persons and entities
22 certificates of indebtedness covering employers, employing units and
23 others for contributions, penalties and interest, for each of which
24 certificates the controller shall charge and collect a fee of \$2.00 per
25 name; no such certificate to be issued, however, for a fee of less than
26 \$10.00. All fees so collected shall be paid into the unemployment
27 compensation administration fund.

28 (c) If any employer shall fail to make any report as required by the
29 rules and regulations of the division pursuant to the provisions of this
30 chapter (R.S.43:21-1 et seq.), the controller may make an estimate of
31 the liability of such employer from any information it may obtain, and,
32 according to such estimate so made, assess such employer for the
33 contributions, penalties, and interest due the State from him, give
34 notice of such assessment to the employer, and make demand upon
35 him for payment.

36 (d) After a report is filed under the provisions of this chapter
37 (R.S.43:21-1 et seq.) and the rules and regulations thereof, the
38 controller shall cause the report to be examined and shall make such
39 further audit and investigation as it may deem necessary, and if
40 therefrom there shall be determined that there is a deficiency with
41 respect to the payment of the contributions due from such employer,
42 the controller shall assess the additional contributions, penalties, and
43 interest due the State from such employer, give notice of such
44 assessment to the employer, and make demand upon him for payment.

45 (e) As an additional remedy, the controller may issue to the Clerk
46 of the Superior Court of New Jersey a certificate stating the amount

1 of the employer's indebtedness under this chapter (R.S.43:21-1 et seq.)
2 and describing the liability, and thereupon the clerk shall immediately
3 enter upon his record of docketed judgments such certificate or an
4 abstract thereof and duly index the same. Any such certificate or
5 abstract, heretofore or hereafter docketed, from the time of docketing
6 shall have the same force and effect as a judgment obtained in the
7 Superior Court of New Jersey, and the controller shall have all the
8 remedies and may take all the proceedings for the collection thereof
9 which may be had or taken upon the recovery of such a judgment in a
10 civil action upon contract in said court. Such debt, from the time of
11 docketing thereof, shall be a lien on and bind the lands, tenements and
12 hereditaments of the debtor.

13 The Clerk of the Superior Court shall be entitled to receive for
14 docketing such certificate, \$0.50, and for a certified transcript of such
15 docket, \$0.50. If the amount set forth in said certificate as a debt shall
16 be modified or reversed upon review, as hereinafter provided, the
17 Clerk of the Superior Court shall, when an order of modification or
18 reversal is filed, enter in the margin of the docket opposite the entry
19 of the judgment, the word "modified" or "reversed," as the case may
20 be, and the date of such modification or reversal.

21 The employer, or any other party having an interest in the property
22 upon which the debt is a lien, may deposit the amount claimed in the
23 certificate with the Clerk of the Superior Court of New Jersey,
24 together with an additional 10% of the amount thereof, or \$100.00,
25 whichever amount is the greater, to cover interest and the costs of
26 court, or in lieu of depositing the amount in cash, may give a bond to
27 the State of New Jersey in double the amount claimed in the
28 certificate, and file the same with the Clerk of the Superior Court. Said
29 bond shall have such surety and shall be approved in the manner
30 required by the Rules Governing the Courts of the State of New
31 Jersey.

32 After the deposit of said money or the filing of said bond, the
33 employer, or any other party having an interest in the said property,
34 may, after exhausting all administrative remedies, secure judicial
35 review of the legality or validity of the indebtedness or the amount
36 thereof, and the said deposit of cash shall be as security for, and the
37 bond shall be conditioned to prosecute, the judicial review with effect.

38 Upon the deposit of said money or the filing of the said bond with
39 the Clerk of the Superior Court, all proceedings on such judgment
40 shall be stayed until the final determination of the cause, and the
41 moneys so deposited shall be subject to the lien of the indebtedness
42 and costs and interest thereon, and the lands, tenements, and
43 hereditaments of said debtor shall forthwith be discharged from the
44 lien of the State of New Jersey and no execution shall issue against the
45 same by virtue of said judgment.

1 Notwithstanding the provisions of subsections (a) through (c) of
2 this section, the Department of Labor may, with the concurrence of the
3 State Treasurer, when all reasonable efforts to collect amounts owed
4 have been exhausted, or to avoid litigation, reduce any liability for
5 contributions, penalties and interest, provided no portion of those
6 amounts represents contributions made by an employee pursuant to
7 subsection (d) of R.S.43:21-7.

8 (f) If, not later than two years after the calendar year in which any
9 moneys were erroneously paid to or collected by the controller,
10 whether such payments were voluntarily or involuntarily made or made
11 under mistake of law or of fact, an employer, employing unit, or
12 employee who has paid such moneys shall make application for an
13 adjustment thereof, the said moneys shall, upon order of the controller,
14 be either credited or refunded, without interest, from the appropriate
15 fund. For like cause and within the same period, credit or refund may
16 be so made on the initiative of the controller.

17 (g) All interest and penalties collected pursuant to this section
18 shall be paid into a special fund to be known as the unemployment
19 compensation auxiliary fund; all moneys in this special fund shall be
20 deposited, administered and disbursed in the same manner and under
21 the same conditions and requirements as is provided by law for other
22 special funds in the State Treasury, and shall be expended, under
23 legislative appropriation, for the purpose of aiding in defraying the
24 cost of the administration of this chapter (R.S.43:21-1 et seq.); for the
25 repayment of any interest bearing advances made from the federal
26 unemployment account pursuant to the provisions of section 1202(b)
27 of the Social Security Act, 42 U.S.C. s.1322; and for essential and
28 necessary expenditures in connection with programs designed to
29 stimulate employment, as determined by the Commissioner of Labor,
30 except that any moneys in this special fund shall be first applied to
31 aiding in the defraying of necessary costs of the administration of this
32 chapter (R.S.43:21-1 et seq.) as determined by the Commissioner of
33 Labor. The Treasurer of the State shall be ex officio the treasurer and
34 custodian of this special fund and, subject to legislative appropriation,
35 shall administer the fund in accordance with the directions of the
36 controller. Any balances in this fund shall not lapse at any time, but
37 shall be continuously available, subject to legislative appropriation, to
38 the controller for expenditure. The State Treasurer shall give a
39 separate and additional bond conditioned upon the faithful
40 performance of his duties in connection with the unemployment
41 compensation auxiliary fund, in an amount to be fixed by the division,
42 the premiums for such bond to be paid from the moneys in the said
43 special fund.

44 (cf: P.L.1997, c.255, s.3)

45
46 21. R.S.33:1-10 is amended to read as follows:

1 33:1-10. Class A licenses shall be subdivided and classified as
2 follows:

3 Plenary brewery license. 1a. The holder of this license shall be
4 entitled, subject to rules and regulations, to brew any malt alcoholic
5 beverages and to sell and distribute his products to wholesalers and
6 retailers licensed in accordance with this chapter, and to sell and
7 distribute without this State to any persons pursuant to the laws of the
8 places of such sale and distribution, and to maintain a warehouse. The
9 fee for this license shall be ~~[\$8,500.00]~~ \$10,625.

10 Limited brewery license. 1b. The holder of this license shall be
11 entitled, subject to rules and regulations, to brew any malt alcoholic
12 beverages in a quantity to be expressed in said license, dependent upon
13 the following fees and not in excess of 300,000 barrels of 31 fluid
14 gallons capacity per year and to sell and distribute this product to
15 wholesalers and retailers licensed in accordance with this chapter, and
16 to sell and distribute without this State to any persons pursuant to the
17 laws of the places of such sale and distribution, and to maintain a
18 warehouse. The fee for this license shall be graduated as follows: to so
19 brew not more than 50,000 barrels of 31 fluid gallons capacity per
20 annum, ~~[\$1,000.00]~~ \$1,250; to so brew not more than 100,000 barrels
21 of 31 fluid gallons capacity per annum, ~~[\$2,000.00]~~ \$2,500; to so brew
22 not more than 200,000 barrels of 31 fluid gallons capacity per annum,
23 ~~[\$4,000.00]~~ \$5,000; to so brew not more than 300,000 barrels of 31
24 fluid gallons capacity per annum, ~~[\$6,000.00]~~ \$7,500.

25 Restricted brewery license. 1c. The holder of this license shall be
26 entitled, subject to rules and regulations, to brew any malt alcoholic
27 beverages in a quantity to be expressed in such license not in excess of
28 3,000 barrels of 31 fluid gallons capacity per year. Notwithstanding
29 the provisions of R.S.33:1-26, the director shall issue a restricted
30 brewery license only to a person or an entity which has identical
31 ownership to an entity which holds a plenary retail consumption
32 license issued pursuant to R.S.33:1-12, provided that such plenary
33 retail consumption license is operated in conjunction with a restaurant
34 regularly and principally used for the purpose of providing meals to its
35 customers and having adequate kitchen and dining room facilities, and
36 that the licensed restaurant premises is immediately adjoining the
37 premises licensed as a restricted brewery. The holder of this license
38 shall only be entitled to sell or deliver the product to that restaurant
39 premises. The fee for this license shall be ~~[\$1,000.00]~~ \$1,250, which
40 fee shall entitle the holder to brew up to 1,000 barrels of 31 fluid
41 gallons per annum. The licensee also shall pay an additional ~~[\$500]~~
42 \$625 for every additional 1,000 barrels of 31 fluid gallons produced.
43 No more than two restricted brewery licenses shall be issued to a
44 person or entity which holds an interest in a plenary retail consumption
45 license. If the governing body of the municipality in which the licensed
46 premises will be located should file a written objection, the director

1 shall hold a hearing and may issue the license only if the director finds
2 that the issuance of the license will not be contrary to the public
3 interest. All fees related to the issuance of both licenses shall be paid
4 in accordance with statutory law.

5 Plenary winery license. 2a. Provided that the holder is engaged in
6 growing and cultivating grapes or fruit used in the production of wine
7 on at least three acres on, or adjacent to, the winery premises, the
8 holder of this license shall be entitled, subject to rules and regulations,
9 to produce any fermented wines, and to blend, fortify and treat wines,
10 and to sell and distribute his products to wholesalers and retailers
11 licensed in accordance with this chapter and to churches for religious
12 purposes, and to sell and distribute without this State to any persons
13 pursuant to the laws of the places of such sale and distribution, and to
14 maintain a warehouse, and to sell his products at retail to consumers
15 on the licensed premises of the winery for consumption on or off the
16 premises and to offer samples for sampling purposes only. The fee for
17 this license shall be ~~[\$750.00]~~ \$938. The holder of this license shall
18 also have the right to sell such wine at retail in original packages in
19 five salesrooms apart from the winery premises for consumption on or
20 off the premises and for sampling purposes for consumption on the
21 premises, at a fee of ~~[\$200.00]~~ \$250 for each salesroom. Additionally,
22 subject to rules and regulations, one salesroom per county may be
23 jointly controlled and operated by at least two plenary or farm winery
24 licensees for the sale of the products of any plenary or farm winery
25 licensee for consumption on or off the premises and for consumption
26 on the licensed premises for sampling purposes at an additional fee of
27 ~~[\$500.00]~~ \$625 per county salesroom. For the purposes of this
28 subsection, "sampling" means the selling at a nominal charge or the
29 gratuitous offering of an open container not exceeding one and
30 one-half ounces of any wine.

31 For the purposes of this subsection, "product" means any wine that
32 is produced, blended, fortified, or treated by the licensee on its
33 licensed premises situated in the State of New Jersey.

34 Any holder of a plenary winery license who sold wine which was
35 produced, bottled, and labelled by that holder in a place other than its
36 licensed New Jersey premises between July 1, 1992 and June 30, 1993,
37 may continue to sell that wine provided no more than 25,000 cases,
38 each case consisting of 12 750 milliliter bottles or the equivalent, are
39 sold in any single license year. This privilege shall terminate upon, and
40 not survive, any transfer of the license to another person or entity
41 subsequent to the effective date of this 1993 amendatory act or any
42 transfer of stock of the licensed corporation other than to children,
43 grandchildren, parents, spouses or siblings of the existing
44 stockholders.

45 Farm winery license. 2b. The holder of this license shall be entitled,
46 subject to rules and regulations, to manufacture any fermented wines

1 and fruit juices in a quantity to be expressed in said license, dependent
2 upon the following fees and not in excess of 50,000 gallons per year
3 and to sell and distribute his products to wholesalers and retailers
4 licensed in accordance with this chapter and to churches for religious
5 purposes and to sell and distribute without this State to any persons
6 pursuant to the laws of the places of such sale and distribution, and to
7 maintain a warehouse and to sell at retail to consumers for
8 consumption on or off the licensed premises and to offer samples for
9 sampling purposes only. The license shall be issued only when the
10 winery at which such fermented wines and fruit juices are
11 manufactured is located and constructed upon a tract of land
12 exclusively under the control of the licensee, provided that the licensee
13 is actively engaged in growing and cultivating an area of not less than
14 three acres on or adjacent to the winery premises and on which are
15 growing grape vines or fruit to be processed into wine or fruit juice;
16 and provided, further, that for the first five years of the operation of
17 the winery such fermented wines and fruit juices shall be manufactured
18 from at least 51% grapes or fruit grown in the State and that thereafter
19 they shall be manufactured from grapes or fruit grown in this State at
20 least to the extent required for labeling as "New Jersey Wine" under
21 the applicable federal laws and regulations. The containers of all wine
22 sold to consumers by such licensee shall have affixed a label stating
23 such information as shall be required by the rules and regulations of
24 the Director of the Division of Alcoholic Beverage Control. The fee
25 for this license shall be graduated as follows: to so manufacture
26 between 30,000 and 50,000 gallons per annum, ~~[\$300.00]~~ \$375; to so
27 manufacture between 2,500 and 30,000 gallons per annum, ~~[\$200.00]~~
28 \$250; to so manufacture between 1,000 and 2,500 gallons per annum,
29 ~~[\$100.00]~~ \$125; to so manufacture less than 1,000 gallons per annum,
30 ~~[\$50.00]~~ \$63. No farm winery license shall be held by the holder of
31 a plenary winery license or be situated on a premises licensed as a
32 plenary winery.

33 The holder of this license shall also have the right to sell his
34 products in original packages at retail to consumers in five salesrooms
35 apart from the winery premises for consumption on or off the
36 premises, and for sampling purposes for consumption on the premises,
37 at a fee of ~~[\$200.00]~~ \$250 for each salesroom. Additionally, subject
38 to rules and regulations, one salesroom per county may be jointly
39 controlled and operated by at least two plenary or farm winery
40 licensees for the sale of the products of any plenary or farm winery
41 licensee for consumption on or off the premises and for consumption
42 on the licensed premises for sampling purposes only, at an additional
43 fee of ~~[\$500.00]~~ \$625 per county salesroom. For the purposes of this
44 subsection, "sampling" means the selling at a nominal charge or the
45 gratuitous offering of an open container not exceeding one and
46 one-half ounces of any wine.

1 Unless otherwise indicated, for the purposes of this subsection,
2 with respect to farm winery licenses, "manufacture" means the
3 vinification, aging, storage, blending, clarification, stabilization and
4 bottling of wine or juice from New Jersey fruit to the extent required
5 by this subsection.

6 Wine blending license. 2c. The holder of this license shall be
7 entitled, subject to rules and regulations, to blend, treat, mix, and
8 bottle fermented wines and fruit juices with non-alcoholic beverages,
9 and to sell and distribute his products to wholesalers and retailers
10 licensed in accordance with this chapter, and to sell and distribute
11 without this State to any persons pursuant to the laws of the places of
12 such sale and distribution, and to maintain a warehouse. The fee for
13 this license shall be ~~[\$500.00]~~ \$625.

14 Plenary distillery license. 3a. The holder of this license shall be
15 entitled, subject to rules and regulations, to manufacture any distilled
16 alcoholic beverages and rectify, blend, treat and mix, and to sell and
17 distribute his products to wholesalers and retailers licensed in
18 accordance with this chapter, and to sell and distribute without this
19 State to any persons pursuant to the laws of the places of such sale
20 and distribution, and to maintain a warehouse. The fee for this license
21 shall be ~~[\$10,000.00]~~ \$12,500.

22 Limited distillery license. 3b. The holder of this license shall be
23 entitled, subject to rules and regulations, to manufacture and bottle
24 any alcoholic beverages distilled from fruit juices and rectify, blend,
25 treat, mix, compound with wine and add necessary sweetening and
26 flavor to make cordial or liqueur, and to sell and distribute to
27 wholesalers and retailers licensed in accordance with this chapter, and
28 to sell and distribute without this State to any persons pursuant to the
29 laws of the places of such sale and distribution and to warehouse these
30 products. The fee for this license shall be ~~[\$3,000.00]~~ \$3,750.

31 Supplementary limited distillery license. 3c. The holder of this
32 license shall be entitled, subject to rules and regulations, to bottle and
33 rebottle, in a quantity to be expressed in said license, dependent upon
34 the following fees, alcoholic beverages distilled from fruit juices by
35 such holder pursuant to a prior plenary or limited distillery license, and
36 to sell and distribute his products to wholesalers and retailers licensed
37 in accordance with this chapter, and to sell and distribute without this
38 State to any persons pursuant to the laws of the places of such sale
39 and distribution, and to maintain a warehouse. The fee for this license
40 shall be graduated as follows: to so bottle and rebottle not more than
41 5,000 wine gallons per annum, ~~[\$250.00]~~ \$313; to so bottle and
42 rebottle not more than 10,000 wine gallons per annum, ~~[\$500.00]~~
43 \$625; to so bottle and rebottle without limit as to amount, ~~[\$1,000.00]~~
44 \$1,250.

45 Rectifier and blender license. 4. The holder of this license shall be
46 entitled, subject to rules and regulations, to rectify, blend, treat and

1 mix distilled alcoholic beverages, and to fortify, blend, and treat
2 fermented alcoholic beverages, and prepare mixtures of alcoholic
3 beverages, and to sell and distribute his products to wholesalers and
4 retailers licensed in accordance with this chapter, and to sell and
5 distribute without this State to any persons pursuant to the laws of the
6 places of such sale and distribution, and to maintain a warehouse. The
7 fee for this license shall be~~[\$6,000.00]~~ \$7,500.

8 Bonded warehouse bottling license. 5. The holder of this license
9 shall be entitled, subject to rules and regulations, to bottle alcoholic
10 beverages in bond on behalf of all persons authorized by federal and
11 State law and regulations to withdraw alcoholic beverages from bond.
12 The fee for this license shall be~~[\$500.00]~~ \$625. This license shall be
13 issued only to persons holding permits to operate Internal Revenue
14 bonded warehouses pursuant to the laws of the United States.

15 The provisions of section 21 of P.L. _____, c. _____ (C. _____)
16 amendatory of this section shall apply to licenses issued or transferred
17 on or after July 1, 2003, and to license renewals commencing on or
18 after July 1, 2003.

19 (cf: P.L.1993, c.372, s.1)

20
21 22. R.S.33:1-11 is amended to read as follows:

22 33:1-11. Class B licenses shall be subdivided and classified as
23 follows:

24 Plenary wholesale license. 1. The holder of this license shall be
25 entitled, subject to rules and regulations, to sell and distribute
26 alcoholic beverages to retailers and wholesalers licensed in accordance
27 with this chapter, and to sell and distribute without this State to any
28 persons pursuant to the laws of the places of such sale and
29 distribution, and to maintain a warehouse and salesroom; provided,
30 however, that the delivery of such alcoholic beverages by the holder
31 of this license to retailers licensed under this Title shall be from
32 inventory in a warehouse located in New Jersey which is operated
33 under a plenary wholesale license. The fee for this license shall be
34 ~~[\$7,000.00]~~ \$8,750.

35 Limited wholesale license. 2a. The holder of this license shall be
36 entitled, subject to rules and regulations, to sell and distribute brewed
37 malt alcoholic beverages and naturally fermented wines to retailers and
38 wholesalers licensed in accordance with this chapter, and to sell and
39 distribute without this State to any persons pursuant to the laws of the
40 places of such sale and distribution, and to maintain a warehouse and
41 salesroom. The fee for this license shall be~~[\$1,500.00]~~ \$1,875.

42 Wine wholesale license. 2b. The holder of this license shall be
43 entitled, subject to rules and regulations, to sell and distribute any
44 naturally fermented, treated, blended, fortified and sparkling wines to
45 retailers and wholesalers licensed in accordance with this chapter, and
46 to sell and distribute without this State to any persons pursuant to the

1 laws of the places of such sale and distribution, and to maintain a
2 warehouse and salesroom; provided, however, that the delivery of
3 such wines by the holder of this license to retailers licensed under this
4 Title shall be from inventory in a warehouse located in New Jersey
5 which is operated under a wine wholesale license. The fee for this
6 license shall be ~~[\$3,000.00]~~ \$3,750.

7 State beverage distributor's license. 2c.(1) The holder of this
8 license shall be entitled, subject to rules and regulations, to sell and
9 distribute unchilled, brewed, malt alcoholic beverages in original
10 containers only, in quantities of not less than 144 fluid ounces and
11 chilled draught malt alcoholic beverages in kegs, barrels or other
12 similar containers of at least one fluid gallon in capacity, to retailers
13 licensed in accordance with this chapter, and to sell and distribute
14 without this State to any person pursuant to the laws of the places of
15 such sale and distribution, and to maintain a warehouse and salesroom.
16 The holder of this license may sell unchilled, brewed, malt alcoholic
17 beverages in original containers only, in quantities of not less than 144
18 fluid ounces and chilled draught malt alcoholic beverages in kegs,
19 barrels or other similar containers of at least 7.75 fluid gallons in
20 capacity, at retail; provided, however, that such sales shall be made
21 only for consumption off the licensed premises. This license shall not
22 be issued to any person holding a plenary or limited brewery license,
23 nor shall it be issued to any person directly or indirectly interested in
24 any brewery within or without this State. This license shall not be
25 issued for premises in or upon which any retail business, except the
26 sale of malt alcoholic beverages and nonalcoholic beverages, is carried
27 on. The fee for this license shall be ~~[\$825]~~ \$1,031.

28 (2) After the effective date of P.L.1995, c. 309 any license issued
29 or transferred pursuant to this subsection for a premises located in a
30 municipality in a county of the fifth or sixth class shall be limited to
31 prohibit retail sales.

32 (3) The holder of a license issued pursuant to this subsection shall
33 not be entitled to sell malt alcoholic beverages at retail as provided in
34 paragraph (1) of this subsection, at hours of the day or on days of the
35 week during which sales by holders of plenary retail distributors
36 licenses are prohibited in the municipality in which the licensed
37 premises is located or in a municipality which, in accordance with the
38 provisions of this title, prohibits all retail sales of wine and malt
39 alcoholic beverages in original bottle or can containers.

40 The provisions of section 22 of P.L. , c. (C.) amendatory
41 of this section shall apply to licenses issued or transferred on or after
42 July 1, 2003, and to license renewals commencing on or after July 1,
43 2003.

44 (cf: P.L.1995, c.309, s.1)

45
46 23. R.S.33:1-12 is amended to read as follows:

1 33:1-12. Class C licenses shall be subdivided and classified as
2 follows:

3 Plenary retail consumption license. 1. The holder of this license
4 shall be entitled, subject to rules and regulations, to sell any alcoholic
5 beverages for consumption on the licensed premises by the glass or
6 other open receptacle, and also to sell any alcoholic beverages in
7 original containers for consumption off the licensed premises; but this
8 license shall not be issued to permit the sale of alcoholic beverages in
9 or upon any premises in which a grocery, delicatessen, drug store or
10 other mercantile business is carried on, except as hereinafter provided.
11 Subject to such rules and regulations established from time to time by
12 the director, the holder of this license shall be permitted to sell
13 alcoholic beverages in or upon the premises in which any of the
14 following is carried on: the keeping of a hotel or restaurant including
15 the sale of mercantile items incidental thereto as an accommodation to
16 patrons; the sale, at an entertainment facility as defined in R.S. 33:1-1,
17 having a seating capacity for no less than 4,000 patrons, of mercantile
18 items traditionally associated with the type of event or program held
19 at the site; the sale of distillers', brewers' and vintners' packaged
20 holiday merchandise prepacked as a unit with other suitable objects as
21 gift items to be sold only as a unit; the sale of novelty wearing apparel
22 identified with the name of the establishment licensed under the
23 provisions of this section; the sale of cigars, cigarettes, packaged
24 crackers, chips, nuts and similar snacks and ice at retail as an
25 accommodation to patrons, or the retail sale of nonalcoholic beverages
26 as accessory beverages to alcoholic beverages; or, in commercial
27 bowling establishments, the retail sale or rental of bowling accessories
28 and the retail sale from vending machines of candy, ice cream and
29 nonalcoholic beverages. The fee for this license shall be fixed by the
30 governing board or body of the municipality in which the licensed
31 premises are situated, by ordinance, at not less than ~~[\$200.00]~~ \$250
32 and not more than ~~[\$2,000.00]~~ \$2,500. No ordinance shall be enacted
33 which shall raise or lower the fee to be charged for this license by
34 more than 20% from that charged in the preceding license year or
35 \$500.00, whichever is the lesser. The governing board or body of each
36 municipality may, by ordinance, enact that no plenary retail
37 consumption license shall be granted within its respective municipality.

38 The holder of this license shall be permitted to obtain a restricted
39 brewery license issued pursuant to subsection 1c. of R.S. 33:1-10 and
40 to operate a restricted brewery immediately adjoining the licensed
41 premises in accordance with the restrictions set forth in that
42 subsection. All fees related to the issuance of both licenses shall be
43 paid in accordance with statutory law.

44 Seasonal retail consumption license. 2. The holder of this license
45 shall be entitled, subject to rules and regulations, to sell any alcoholic
46 beverages for consumption on the licensed premises by the glass or

1 other open receptacle, and also to sell any alcoholic beverages in
2 original containers for consumption off the licensed premises, during
3 the summer session from May 1 until November 14, inclusive, or
4 during the winter season from November 15 until April 30, inclusive;
5 but this license shall not be issued to permit the sale of alcoholic
6 beverages in or upon any premises in which a grocery, delicatessen,
7 drug store or other mercantile business is carried on, except as
8 hereinafter provided. Subject to such rules and regulations established
9 from time to time by the director, the holder of this license shall be
10 permitted to sell alcoholic beverages in or upon the premises in which
11 any of the following is carried on: the keeping of a hotel or restaurant
12 including the sale of mercantile items incidental thereto as an
13 accommodation to patrons; the sale of distillers', brewers' and vintners'
14 packaged holiday merchandise prepacked as a unit with other suitable
15 objects as gift items to be sold only as a unit; the sale of novelty
16 wearing apparel identified with the name of the establishment licensed
17 under the provisions of this section; the sale of cigars, cigarettes,
18 packaged crackers, chips, nuts and similar snacks and ice at retail as
19 an accommodation to patrons; or the retail sale of nonalcoholic
20 beverages as accessory beverages to alcoholic beverages. The fee for
21 this license shall be fixed by the governing board or body of the
22 municipality in which the licensed premises are situated, by ordinance,
23 at 75% of the fee fixed by said board or body for plenary retail
24 consumption licenses. The governing board or body of each
25 municipality may, by ordinance, enact that no seasonal retail
26 consumption license shall be granted within its respective municipality.

27 Plenary retail distribution license. 3. a. The holder of this license
28 shall be entitled, subject to rules and regulations, to sell any alcoholic
29 beverages for consumption off the licensed premises, but only in
30 original containers. The governing board or body of each municipality
31 may, by ordinance, enact that this license shall not be issued to permit
32 the sale of alcoholic beverages in or upon any premises in which any
33 other mercantile business is carried on, except that any such ordinance,
34 heretofore or hereafter adopted, shall not prohibit the retail sale of
35 distillers', brewers' and vintners' packaged holiday merchandise
36 prepacked as a unit with other suitable objects as gift items to be sold
37 only as a unit; the sale of novelty wearing apparel identified with the
38 name of the establishment licensed under the provisions of this act;
39 cigars, cigarettes, packaged crackers, chips, nuts and similar snacks,
40 ice, and nonalcoholic beverages as accessory beverages to alcoholic
41 beverages. The fee for this license shall be fixed by the governing
42 board or body of the municipality in which the licensed premises are
43 situated, by ordinance, at not less than ~~[\$100.00]~~ \$125 and not more
44 than ~~[\$2,000.00]~~ \$2,500. No ordinance shall be enacted which shall
45 raise or lower the fee to be charged for this license by more than 20%
46 from that charged in the preceding license year or \$500.00, whichever

1 is the lesser. The governing board or body of each municipality may,
2 by ordinance, enact that no plenary retail distribution license shall be
3 granted within its respective municipality.

4 Limited retail distribution license. 3. b. The holder of this license
5 shall be entitled, subject to rules and regulations, to sell any unchilled,
6 brewed, malt alcoholic beverages in quantities of not less than 72 fluid
7 ounces for consumption off the licensed premises, but only in original
8 containers; provided, however, that this license shall be issued only for
9 premises operated and conducted by the licensee as a bona fide
10 grocery store, meat market, meat and grocery store, delicatessen, or
11 other type of bona fide food store at which groceries or other
12 foodstuffs are sold at retail; and provided further that this license shall
13 not be issued except for premises at which the sale of groceries or
14 other foodstuffs is the primary and principal business and at which the
15 sale of alcoholic beverages is merely incidental and subordinate
16 thereto. The fee for this license shall be fixed by the governing body
17 or board of the municipality in which the licensed premises are
18 situated, by ordinance, at not less than ~~[\$25.00]~~ \$31 and not more
19 than ~~[\$50.00]~~ \$63. The governing board or body of each municipality
20 may, by ordinance, enact that no limited retail distribution license shall
21 be granted within its respective municipality.

22 Plenary retail transit license. 4. The holder of this license shall be
23 entitled, subject to rules and regulations, to sell any alcoholic
24 beverages, for consumption only, on railroad trains, airplanes,
25 limousines and boats, while in transit. The fee for this license for use
26 by a railroad or air transport company shall be ~~[\$300.00]~~ \$375, for
27 use by the owners of limousines shall be ~~[\$25.00]~~ \$31 per vehicle, and
28 for use on a boat shall be ~~[\$50.00]~~ \$63 on a boat 65 feet or less in
29 length, ~~[\$100.00]~~ \$125 on a boat more than 65 feet in length but not
30 more than 110 feet in length, and ~~[\$300.00]~~ \$375 on a boat more than
31 110 feet in length; such boat lengths shall be determined in the manner
32 prescribed by the Bureau of Customs of the United States Government
33 or any federal agency successor thereto for boat measurement in
34 connection with issuance of marine documents. A license issued under
35 this provision to a railroad or air transport company shall cover all
36 railroad cars and planes operated by any such company within the
37 State of New Jersey. A license for a boat or limousine issued under
38 this provision shall apply only to the particular boat or limousine for
39 which issued, and shall permit the purchase of alcoholic beverages for
40 sale or service in a boat or limousine to be made from any Class A and
41 B licensee or from any Class C licensee whose license privilege permits
42 the sale of alcoholic beverages in original containers for off-premises
43 consumption. An interest in a plenary retail transit license issued in
44 accordance with this section shall be excluded in determining the
45 maximum number of retail licenses permitted under P.L.1962, c.152
46 (C.33:1-12.31 et seq.).

1 Club license. 5. The holder of this license shall be entitled, subject
2 to rules and regulations, to sell any alcoholic beverages but only for
3 immediate consumption on the licensed premises and only to bona fide
4 club members and their guests. The fee for this license shall be fixed
5 by the governing board or body of the municipality in which the
6 licensed premises are situated, by ordinance, at not less than [\$50.00]
7 \$63 and not more than [\$150.00] \$188. The governing board or body
8 of each municipality may, by ordinance, enact that no club licenses
9 shall be granted within its respective municipality. Club licenses may
10 be issued only to such corporations, associations and organizations as
11 are operated for benevolent, charitable, fraternal, social, religious,
12 recreational, athletic, or similar purposes, and not for private gain, and
13 which comply with all conditions which may be imposed by the
14 Commissioner of Alcoholic Beverage Control by rules and regulations.

15 The provisions of section 23 of P.L. , c. (C.) amendatory
16 of this section shall apply to licenses issued or transferred on or after
17 July 1, 2003, and to license renewals commencing on or after July 1,
18 2003.

19 (cf: P.L.1997, c.8, s.2)

20

21 24. R.S.33:1-13 is amended to read as follows:

22 33:1-13. Class D licenses shall be as follows:

23 Transportation license. The holder of this license shall be entitled,
24 subject to rules and regulations, to transport alcoholic beverages into,
25 out of, through and within the State of New Jersey and to maintain a
26 warehouse. The fee for this license shall be [\$500.00] \$625.

27 The provisions of section 24 of P.L. , c. (C.) amendatory
28 of this section shall apply to licenses issued or transferred on or after
29 July 1, 2003, and to license renewals commencing on or after July 1,
30 2003.

31 (cf: P.L.1970, c.78, s.3)

32

33 25. R.S.33:1-14 is amended to read as follows:

34 33:1-14. Class E licenses shall be subdivided and classified as
35 follows:

36 Public warehouse license. 1. The holder of this license shall be
37 entitled, subject to rules and regulations, to receive for purposes of
38 storing and warehousing and to store and warehouse alcoholic
39 beverages in the licensed public warehouse; but this license shall not
40 authorize the transportation of alcoholic beverages. The fee for this
41 license shall be [\$400.00] \$500.

42 Broker's license. 2. The holder of this license shall be entitled,
43 subject to rules and regulations, to act as a broker in the purchase and
44 sale of alcoholic beverages for a fee or commission, for or on behalf
45 of a person authorized to manufacture or sell at wholesale alcoholic
46 beverages within or without the State. Such license shall not entitle the

1 holder to buy or sell any alcoholic beverages for his own account, or
2 take or deliver title to such alcoholic beverages, or receive or store
3 any alcoholic beverages in his own name in this State, or offer,
4 negotiate for the sale of or sell any alcoholic beverages to any
5 wholesaler or retailer within this State; but such licensee shall be
6 permitted, subject to rules and regulations, to use samples of alcoholic
7 beverages in connection with the exercise of the privileges of such
8 license. Such licensee's activities hereunder shall not be deemed to
9 constitute a sale within the meaning of paragraph "w" of section
10 33:1-1 of the Revised Statutes. The fee for this license shall be
11 ~~[\$400.00]~~ \$500.

12 The provisions of section 25 of P.L. , c. (C.) amendatory
13 of this section shall apply to licenses issued or transferred on or after
14 July 1, 2003, and to license renewals commencing on or after July 1,
15 2003.

16 (cf: P.L.1970, c.78, s.4)

17

18 26. R.S.33:1-25 is amended to read as follows:

19 33:1-25. No license of any class shall be issued to any person under
20 the age of 21 years or to any person who has been convicted of a
21 crime involving moral turpitude.

22 In applications by corporations, except for club licenses, the names
23 and addresses of, and the amount of stock held by, all stockholders
24 holding 1% or more of any of the stock thereof, and the names and
25 addresses of all officers and of all members of the board of directors
26 must be stated in the application, and if one or more of the officers or
27 members of the board of directors or one or more of the owners,
28 directly or indirectly, of more than 10% of the stock would fail to
29 qualify as an individual applicant in all respects, no license of any class
30 shall be granted.

31 In applications for club licenses, the names and addresses of all
32 officers, trustees, directors, or other governing official, together with
33 the names and addresses of all members of the corporation, association
34 or organization, must be stated in the application.

35 In applications by partnerships, the application shall contain the
36 names and addresses of all of the partners. No license shall be issued
37 unless all of the partners would qualify as individual applicants.

38 A photostatic copy of all federal permits necessary to the lawful
39 conduct of the business for which a State license is sought and which
40 relate to alcoholic beverages, or other evidence in lieu thereof
41 satisfactory to the director, must accompany the license application,
42 together with a deposit of the full amount of the required license fee,
43 which deposit to the extent of 90% thereof shall be returned to the
44 applicant by the director or other issuing authority if the application is
45 denied, and the remaining 10% shall constitute an investigation fee and
46 be accounted for as other license fees.

1 Every applicant for a license that is not a renewal of an annual
2 license shall cause a notice of the making of the application to be
3 published in a form prescribed by rules and regulations, once per week
4 for two weeks successively in a newspaper printed in the English
5 language, published and circulated in the municipality in which the
6 licensed premises are located; but if there shall be no such newspaper,
7 then the notice shall be published in a newspaper, printed in the
8 English language, published and circulated in the county in which the
9 licensed premises are located. No publication shall be required with
10 respect to applications for transportation or public warehouse licenses
11 or with respect to applications for renewal of licenses.

12 The Division of Alcoholic Beverage Control shall cause a general
13 notice of the making of annual renewal applications and the manner in
14 which members of the public may object to the approving of the
15 applications to be published in a form prescribed by rules and
16 regulations, once per week from the week of April 1 through the week
17 of June 1 in a newspaper printed in the English language published and
18 circulated in the counties in which the premises of applicants for
19 renewals of annual licenses are located. Any application for the
20 renewal of an annual license shall be made by May 1, and none shall be
21 approved before May 1.

22 Every person filing an application for license, renewal of license or
23 transfer of license with a municipal issuing authority shall, within 10
24 days of such filing, file with the director a copy of the application
25 together with a nonreturnable filing fee of ~~[\$100.00]~~ \$200.

26 Applicants for licenses shall answer questions as may be asked and
27 make declarations as shall be required by the form of application for
28 license as may be promulgated by the director from time to time. All
29 applications shall be duly sworn to by each of the applicants, except in
30 the case of applicants in the military service of the United States
31 whose applications may be signed in their behalf by an attorney-in-fact
32 holding a power of attorney in form approved by the director, and
33 except in cases of applications by corporations which shall be duly
34 sworn to by the president or vice-president. All statements in the
35 applications required to be made by law or by rules and regulations
36 shall be deemed material, and any person who shall knowingly misstate
37 any material fact, under oath, in the application shall be guilty of a
38 misdemeanor. Fraud, misrepresentation, false statements, misleading
39 statements, evasions or suppression of material facts in the securing of
40 a license are grounds for suspension or revocation of the license.

41 The provisions of section 26 of P.L. , c. (C.)
42 amendatory of this section shall apply to licenses issued or transferred
43 on or after July 1, 2003, and to license renewals commencing on or
44 after July 1, 2003.

45 (cf: P.L.1992, c.188, s.3)

1 27. R.S.33:1-72 is amended to read as follows:

2 33:1-72. The sale of receipts, certificates, contracts or other
3 documents given upon the storage of alcoholic beverages is prohibited,
4 except under and pursuant to the provisions of a warehouse receipts
5 license issued by the director. The holder of such license shall be
6 entitled to sell such warehouse receipts subject to rules and regulations
7 and the fee therefor shall be ~~[\$300.00]~~ \$375. No publication shall be
8 required with respect to applications for warehouse receipts licenses.

9 The provisions of section 27 of P.L. , c. (C.) amendatory
10 of this section shall apply to licenses issued or transferred on or after
11 July 1, 2003, and to license renewals commencing on or after July 1,
12 2003.

13 (cf: P.L.1970, c.78, s.8)

14

15 28. R.S.33:1-74 is amended to read as follows:

16 33:1-74. a. To provide for contingencies where it would be
17 appropriate and consonant with the spirit of this chapter to issue a
18 license but the contingency has not been expressly provided for, the
19 director of the division may for special cause shown, subject to rules
20 and regulations, issue temporary permits. The fee for a one-day permit
21 authorizing the sale of alcoholic beverages for consumption on a
22 designated premises by a civic, religious, educational or veterans
23 organization shall be ~~[\$50.00]~~ \$100 and for a one-day permit
24 authorizing such sale by any other organization, ~~[\$75.00]~~ \$150. The
25 fee for any other type of temporary permit shall be determined in each
26 case by the director of the division and shall not be less than ~~[\$5.00]~~
27 \$10 nor more than ~~[\$1,000.00]~~ \$2,000, payable to the director of the
28 division and to be accounted for by the director as are license fees.

29 b. As to any designated premises such temporary permits shall not
30 exceed in the aggregate 25 in any one calendar year, but the director
31 of the division may by said rules and regulations provide for a lesser
32 number in the aggregate for any such designated premises in any one
33 calendar year.

34 c. The issuance of temporary permits to authorize the sale of
35 alcoholic beverages by the glass or other open receptacle by civic,
36 religious, educational, veterans or other qualified organizations shall
37 be permissible, notwithstanding that the sale of alcoholic beverages has
38 otherwise been prohibited by referendum under R.S. 33:1-44 through
39 R.S. 33:1-47 or municipal ordinance or resolution.

40 (cf: P.L.1992, c.188, s.13)

41

42 29. (New section) If prior to the effective date of P.L. , c.
43 (C.) (pending before the Legislature as this bill), an applicant for
44 a license or license renewal has submitted the license fee for an
45 application for a license issued or transferred on or after July 1, 2003,
46 or renewed for a license term commencing on or after July 1, 2003

1 pursuant to R.S.33:1-10, R.S.33:1-11, R.S.33:1-12, R.S.33:1-13,
2 R.S.33:1-14, R.S.33:1-25, R.S.33:1-72 or R.S.33:1-74, the applicant
3 shall submit immediately any outstanding portion of the total license
4 fee as increased by P.L. , c. . If the increased portion of the
5 ²[licensed] license² fee has not been paid in fully by October 1, 2003,
6 the applicant shall be deemed to be in violation of R.S.33:1-27 and the
7 director may issue an ²ex parte² order revoking the license or
8 indefinitely suspending same until payment. The Division of Alcoholic
9 Beverage Control ²[shall] may² promulgate regulations to effectuate
10 this section as well as the purposes of the amendatory provisions of
11 sections 21 through 28 of P.L. , c. . All such regulations shall be
12 immediately effective for a period not to exceed six months upon their
13 filing with the Office of Administrative Law, and thereafter may be
14 amended, adopted or readopted in accordance with the requirements
15 of the Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1
16 et seq.).
17

18 30. Section 6 of P.L.1979, c.111 (C.13:18A-6) is amended to
19 read as follows:

20 6. The Pinelands Commission shall have the following powers:

21 a. To adopt and from time to time amend and repeal suitable
22 by-laws for the management of its affairs;

23 b. To adopt and use an official seal and alter the same at its
24 pleasure;

25 c. To maintain an office at such place or places in the pinelands
26 area as it may designate;

27 d. To sue and be sued in its own name;

28 e. To appoint, retain and employ, without regard to the provisions
29 of Title [11] 11A of the [Revised] New Jersey Statutes but within
30 the limits of funds appropriated or otherwise made available for such
31 purposes, such officers, agents, employees and experts as it may
32 require, and to determine the qualifications, terms of office, duties,
33 services and compensation therefor;

34 f. To apply for, receive, and accept, from any Federal, State, or
35 other public or private source, grants or loans for, or in aid of, the
36 commission's authorized purposes;

37 g. To enter into any and all agreements or contracts, execute any
38 and all instruments, and do and perform any and all acts or things
39 necessary, convenient, or desirable for the purposes of the commission
40 or to carry out any power expressly given in this act;

41 h. To conduct examinations and investigations, to hear testimony,
42 taken under oath at public or private hearings, on any material matter,
43 and to require attendance of witnesses and the production of books
44 and papers;

45 i. To prepare and transmit to the Commissioner of Environmental
46 Protection such recommendations for water quality standards for

1 surface and ground waters in the pinelands area, or in tributaries and
2 watersheds thereof, as the commission deems appropriate;

3 j. To prepare, promulgate, adopt, amend or repeal, pursuant to the
4 provisions of the "Administrative Procedure Act," P.L.1968, c.410
5 (C.52:14B-1 et seq.), such rules and regulations as are necessary in
6 order to implement the provisions of this act;

7 qk. To appoint advisory boards, commissions, or panels to assist in its
8 activities;

9 l. To identify any lands in which the public acquisition of a fee
10 simple or lesser interest therein is necessary or desirable in order to
11 insure the preservation thereof, or to provide sites for public
12 recreation, as well as any lands the beneficial use of which are so
13 adversely affected by the restrictions imposed pursuant to this act as
14 to require a guarantee of just compensation therefor, and to transmit
15 such identifications to the affected local governments, the
16 Commissioner of Environmental Protection and to the Secretary of the
17 United States Department of Interior;

18 m. To call to its assistance and avail itself of the services of such
19 employees of any State, county or municipal department, board,
20 commission or agency as may be required and made available for such
21 purposes.

22 n. To establish and change, in accordance with a fee schedule to be
23 set forth by regulation adopted pursuant to the "Administrative
24 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), reasonable fees
25 for services performed relating to development review applications
26 filed with the commission as required by the Comprehensive
27 Management Plan.

28 (cf: P.L.1979, c. 111, s. 6)

29
30 31. R.S.45:15-9 is amended to read as follows:

31 45:15-9. All persons desiring to become real estate brokers,
32 broker-salespersons or salespersons shall apply to the commission for
33 a license under the provisions of this article. Every applicant for a
34 license as a broker, broker-salesperson or salesperson shall be of the
35 age of 18 years or over, and in the case of an association or a
36 corporation the directors thereof shall be of the age of 18 years or
37 over. Application for a license, whether as a real estate broker,
38 broker-salesperson or a salesperson, shall be made to the commission
39 upon forms prescribed by it and shall be accompanied by an
40 application fee of ~~[\$25]~~ \$50 which fee shall not be refundable. Every
41 applicant for a license whether as a real estate broker, broker-
42 salesperson or salesperson shall have the equivalent of a high school
43 education. The issuance of a license to an applicant who is a
44 nonresident of this State shall be deemed to be his irrevocable consent
45 that service of process upon him as a licensee in any action or
46 proceeding may be made upon him by service upon the secretary of the

1 commission or the person in charge of the office of the commission.
2 The applicant shall furnish evidence of good moral character, and in
3 the case of an association, partnership or corporation, the members,
4 officers or directors thereof shall furnish evidence of good moral
5 character. The commission may make such investigation and require
6 such proof as it deems proper and in the public interest as to the
7 honesty, trustworthiness, character and integrity of an applicant. Every
8 applicant for a license as a broker or broker-salesperson shall have first
9 been the holder of a New Jersey real estate salesperson's license and
10 have been actively engaged on a full-time basis in the real estate
11 brokerage business in this State for three years immediately preceding
12 the date of application, which requirement may be waived by the
13 commission where the applicant has been the holder of a broker's
14 license in another state and actively engaged in the real estate
15 brokerage business for at least three years immediately preceding the
16 date of his application, meets the educational requirements and
17 qualifies by examination. No license as a broker shall be granted to a
18 general partnership or corporation unless at least one of the partners
19 or officers of said general partnership or corporation qualifies as and
20 holds a license as a broker to transact business in the name and on
21 behalf of said general partnership or corporation as its authorized
22 broker and no such authorized broker shall act as a broker on his own
23 individual account unless he is also licensed as a broker in his
24 individual name; the license of said general partnership or corporation
25 shall cease if at least one partner or officer does not hold a license as
26 its authorized broker at all times. A change in the status of the license
27 of an authorized broker to an individual capacity or vice versa shall be
28 effected by application to the commission accompanied by a fee of
29 ~~[\$25]~~ \$50. No license as a broker shall be granted to a limited
30 partnership unless its general partner qualifies as and holds a license
31 as a broker to transact business in the name of and on behalf of the
32 limited partnership. In the event that a corporation is a general partner
33 of a limited partnership, no license as a broker shall be granted to the
34 limited partnership unless the corporation is licensed as a broker and
35 one of the officers of the corporation qualifies as and holds a license
36 as the corporation's authorized broker.

37 In the event that any person to whom a broker's or broker-
38 salesperson's license has been or shall have been issued shall fail to
39 renew such license or obtain a new license for a period of more than
40 two but less than five consecutive years after the expiration of the last
41 license held, prior to issuing another broker or broker-salesperson
42 license to the person, the commission shall require such person to
43 work as a licensed salesperson on a full-time basis for one full year, to
44 pass an examination, and to successfully complete a 90-hour general
45 broker's pre-licensure course at a licensed real estate school, as the
46 commission shall prescribe by regulation. In the event that any person

1 to whom a broker's or broker-salesperson's license has been or shall
2 have been issued fails to maintain or renew the license or obtain a new
3 license for a period of more than five consecutive years after the
4 expiration of the last license held, prior to issuing another broker or
5 broker-salesperson license to the person the commission shall require
6 the person to pass the salesperson's license examination and then to
7 work as a licensed salesperson on a full-time basis for three years, to
8 fulfill all of the educational requirements applicable to first time
9 applicants for a broker or broker-salesperson license and to pass the
10 broker's license examination. The commission may, in its discretion,
11 approve for relicensure the former holder of a broker or broker-
12 salesperson license who has not renewed the license or obtained a new
13 license for two or more consecutive years upon a sufficient showing
14 that the applicant was medically unable to do so. All applicants so
15 approved shall pass the broker's license examination prior to being
16 relicensed. This paragraph shall not apply to a person reapplying for
17 a broker's or broker-salesperson's license who was licensed as a broker
18 or broker-salesperson and who allowed his license to expire due to
19 subsequent employment in a public agency in this State with
20 responsibility for dealing with matters relating to real estate if the
21 person reapplying does so within one year of termination of that
22 employment.

23 In the event that any person to whom a salesperson's license has
24 been or shall have been issued shall fail to maintain or renew such
25 license or obtain a new license for a period of two consecutive years
26 or more after the expiration of the last license held, the commission
27 shall require such person to attend a licensed school and pass the State
28 examination prior to issuance of a further license. The commission
29 may, in its discretion, approve for relicensure a salesperson applicant
30 who has not renewed his license or obtained a new license for two or
31 more consecutive years upon a sufficient showing that the applicant
32 was medically unable to do so. All salesperson applicants so approved
33 shall pass the salesperson's license examination prior to being
34 relicensed. This paragraph shall not apply to a person reapplying for
35 a salesperson's license who was a licensed salesperson and who
36 allowed his license to expire due to subsequent employment in a public
37 agency in this State with responsibility for dealing with matters
38 relating to real estate if the person reapplying does so within one year
39 of termination of that employment.

40 (cf: P.L.1993, c.51, s.7)

41

42 32. Section 49 of P.L.1993, c.51 (C.45:15-10.6) is amended to
43 read as follows:

44 49. a. Every application for licensure as a real estate school shall
45 be accompanied by an application fee of ~~[\$50]~~ \$100 and a criminal
46 history record check fee for all individual owners, members of a

1 partnership, or officers, directors and owners of a controlling interest
2 in a corporation, which fees shall be non-refundable.

3 b. All licenses issued to real estate schools shall expire on a date
4 fixed by the commission which date shall not be more than two years
5 from the date of issuance of the license. The license fee for each real
6 estate school license issued in the first 12 months of any two-year real
7 estate school license term established by the commission shall be
8 ~~[\$200]~~ \$400 for the first location and ~~[\$100]~~ \$200 for each
9 additional location licensed. The license fee for each real estate school
10 license issued in the second 12 months of any two-year real estate
11 school license term established by the commission shall be ~~[\$100]~~
12 \$200 for the first location and ~~[\$50]~~ \$100 for each additional location
13 licensed. The fee for the renewal of each real estate school license for
14 an additional two-year license term shall be ~~[\$200]~~ \$400 for the first
15 location and ~~[\$100]~~ \$200 for each additional location.

16 c. Any accredited college or university located in this State or any
17 public adult education program conducted by a board of education in
18 this State which otherwise qualifies for licensure as a real estate school
19 shall be issued a license without the payment of any license or license
20 renewal fee.

21 (cf: P.L.1993, c.51, s.49)

22
23 33. Section 50 of P.L.1993, c.51 (C.45:15-10.7) is amended to
24 read as follows:

25 50. Every application for licensure as a real estate instructor shall
26 be accompanied by an application fee of ~~[\$25]~~ \$50 and a criminal
27 history record check fee, which fees shall be non-refundable. All
28 licenses issued to real estate instructors shall expire on a date fixed by
29 the commission which shall be no more than two years from the date
30 of issuance of the license. The license fee for each real estate
31 instructor license issued in the first 12 months of any two-year real
32 estate instructor license term established by the commission shall be
33 ~~[\$100]~~ \$200 and the fee for an instructor license issued in the second
34 12 months of the cycle shall be ~~[\$50]~~ \$100. The fee for the renewal
35 of each real estate instructor license for an additional two-year license
36 term shall be ~~[\$50]~~ \$100. Upon payment of the renewal fee and the
37 submission of evidence of satisfactory completion of any continuing
38 education requirements which the commission may by regulation
39 prescribe, the commission shall renew the license of a real estate
40 instructor for a two-year period.

41 (cf: P.L.1993, c.51, s.50)

42
43 34. R.S.45:15-12 is amended to read as follows:

44 45:15-12. Every real estate broker shall maintain a designated
45 main office open to the public. A real estate broker's main office shall

1 have prominently displayed therein the license certificate of the broker
2 and all licensed persons in his employ and shall be deemed the business
3 address of all licensed persons for all purposes under chapter 15 of
4 Title 45 of the Revised Statutes. In case a real estate broker maintains
5 more than one place of business, a branch office license shall be issued
6 to such broker for each branch office so maintained in this State;
7 provided, however, that the said branch office or offices are under the
8 direct supervision of a broker-salesperson. The branch office license
9 or licenses shall be issued upon the payment of a fee of ~~[\$25]~~ \$50 for
10 each license so issued. Every place of business maintained by a real
11 estate broker shall have conspicuously displayed on the exterior
12 thereof the name in which the broker is authorized to operate and, in
13 the case of a corporation or partnership, the name of the individual
14 licensed as its authorized broker, and the words Licensed Real Estate
15 Broker. A real estate broker whose main office is located in another
16 state shall maintain a valid real estate broker's license in good standing
17 in the state where the office is located.
18 (cf: P.L.1993, c.51, s.13)

19

20 35. R.S.45:15-13 is amended to read as follows:

21 45:15-13. All licenses shall be issued by the commission in such
22 form as it shall prescribe. Each license shall show the name and
23 address of the licensee and shall have imprinted thereon the seal of the
24 commission. Notice in writing shall be given to the commission by
25 each licensed broker of any change of business address, whereupon the
26 commission shall issue new licenses to the broker and to all persons
27 licensed through the broker for the unexpired period, upon the
28 payment of a fee of ~~[\$25]~~ \$50 for the issuance of the new broker
29 license and a fee of ~~[\$5.00]~~ \$10 for each additional new license
30 certificate so issued. A change of business address without
31 notification to the commission, and without the issuance of a new
32 broker's license, shall automatically cancel the license theretofore
33 issued.

34 (cf: P.L.1993, c.51, s.15)

35

36 36. R.S.45:15-15 is amended to read as follows:

37 45:15-15. The biennial fee for each real estate broker's license
38 shall be ~~[\$100]~~ \$200, the biennial fee for each real estate broker-
39 salesperson's license shall be ~~[\$100]~~ \$200 and the biennial fee for each
40 real estate salesperson's license shall be ~~[\$50]~~ \$100. The biennial fee
41 for a branch office license shall be ~~[\$50]~~ \$100. Each license granted
42 under this article shall entitle the licensee to perform all of the acts
43 contemplated herein during the period for which the license is issued,
44 as prescribed by this article ²[, except that if an applicant for a license
45 for a period commencing on or after the effective date of P.L. c.
46 (C.) (pending before the Legislature as this bill) fails to remit the

1 entire fee applicable thereunder by September 1, 2003, the applicant
2 shall be in violation of this article]². If a licensee fails to apply for a
3 renewal of his license prior to the date of expiration of such license,
4 the commission may refuse to issue a renewal license except upon the
5 payment of a late renewal fee in the amount of ~~[\$10]~~ \$20 for a
6 salesperson or broker-salesperson and ~~[\$20]~~ \$40 for a broker;
7 provided, however, the commission may, in its discretion, refuse to
8 renew any license upon sufficient cause being shown. The commission
9 shall refuse to renew the license of any licensee convicted of any
10 offense enumerated in section 6 of P.L.1953, c.229 (C.45:15-19.1)
11 during the term of the last license issued by the commission unless the
12 conviction was previously the subject of a revocation proceeding.
13 Renewed licenses may be granted for each ensuing two years upon
14 request of licensees and the payment of the full fee therefor as herein
15 required. Upon application and payment of the fees provided herein,
16 initial licenses and licenses reinstated pursuant to R.S.45:15-9 may be
17 issued, but the commission may, in its discretion, refuse to grant or
18 reinstate any license upon sufficient cause being shown. The license
19 fees for initial or reinstated licenses shall be determined based upon the
20 biennial fees established herein, with a full biennial fee payable for the
21 license term in which application is received. The revocation or
22 suspension of a broker's license shall automatically suspend every real
23 estate broker-salesperson's and salesperson's license granted to
24 employees of the broker whose license has been revoked or suspended,
25 pending a change of employer and the issuance of a new license. The
26 new license shall be issued without additional charge, if the same is
27 granted during the license term in which the original license was
28 granted. ¹Any renewal fee in this section shall be billed by the
29 commission on or ²[before] after² April 1 ²but before April 15,²
30 and such fees shall be paid on or before June 1 ²,except that the fee
31 increases imposed pursuant to the amendments made in this section
32 pursuant to section 36 of P.L.2003, c. (now pending before the
33 Legislature as this bill) due for the first biennial renewal period ending
34 after enactment of section 36 shall be paid on or before June 1,
35 2004^{2, 1}

36 A real estate broker who maintains a main office or branch office
37 licensed by the commission which is located in another state shall
38 maintain a valid real estate broker's license in good standing in the
39 state where the office is located and shall maintain a real estate license
40 in that other state for each office licensed by the commission. Upon
41 request, the real estate broker shall provide a certification of his
42 license status in the other state to the commission. Any license issued
43 by the commission to a real estate broker for a main or branch office
44 located outside this State shall be automatically suspended upon the
45 revocation, suspension or refusal to renew the real estate broker's
46 license issued by the state where the office is located. The licenses

issued by the commission to every broker-salesperson or salesperson employed by the broker shall be automatically suspended pending a change of employer and the issuance of a new license. The new license shall be issued without additional charge if granted during the license term in which the original license was granted.

(cf: P.L.1996, c.38, s.3)

37. Section 2 of P.L.1993, c.321 (C.30:9A-19) is amended as follows:

2. a. A person shall not conduct, maintain or operate a mental health program unless: [a.] (1) the commissioner has issued a license to that person, in accordance with rules and regulations adopted by the commissioner which prescribe standards for the provision of services by a mental health program; and [b.] (2) that person has a purchase of service contract or an affiliation agreement with the Division of Mental Health Services in the Department of Human Services.

b. Application for a license to conduct, maintain or operate a mental health program shall be made upon forms prescribed by the commissioner. The commissioner shall charge such nonrefundable fees for the filing of an application for a license, and for any renewal thereof, as the commissioner shall from time to time fix by regulation.

(cf: P.L.1995, c.321, s.2)

38. Section 2 of P.L.1965, c.123 (C.22A:4-4.1) is amended to read as follows:

2. County clerks and registers of deeds and mortgages, in counties having such offices, shall charge for the services herein enumerated the following fees:

	Fee
For recording veteran's discharge papers	No fee
For recording any instrument:	
First page	[\$25.00] \$30.00
Each additional page or part thereof	[\$5.00] \$10.00
Each rider, insertion, addition, or any map, plat or sketch filed or recorded pursuant to subsection (c) of section 2 of P.L.1957, c.130 (C.48:3-17.3)	[\$5.00] \$10.00
For entering the marginal notation of an order judgment, statement or warrant discharging, annulling a notice of lis pendens and for filing such order, judgment or statement	[\$5.00] \$10.00
For filing a lis pendens foreclosure	[\$25.00] \$30.00
Notation	[\$5.00] \$10.00
For preparing and transmitting to the assessor, collector, or other custodian of the assessment	

1	map of any taxing district, the abstract of an		
2	instrument evidencing title to realty	[\$5.00]	<u>\$10.00</u>
3	For entering the marginal notation of a discharge		
4	or release of a New Jersey building and loan		
5	or savings and loan mortgage and forwarding		
6	abstract	[\$5.00]	<u>\$10.00</u>
7	For entering the marginal notation of a discharge,		
8	assignment, postponement or release of a		
9	mortgage, other than building and loan and		
10	savings and loan mortgages	[\$5.00]	<u>\$10.00</u>
11	For the cancellation of any mortgage	[\$15.00]	<u>\$20.00</u>
12	For a marginal notation of the discharge of a		
13	mortgage in counties where mortgages are		
14	indexed under a system requiring a duplication		
15	of indices and description	[\$5.00]	<u>\$10.00</u>
16	For filing and recording notice of federal tax		
17	lien or other federal lien or certificate		
18	discharging such lien	[\$20.00]	<u>\$25.00</u>
19	For filing a notice of settlement	[\$15.00]	<u>\$20.00</u>
20	For filing each map, plat, plan or chart		
21	(except when presented by the State or		
22	its agencies or filed pursuant to subsection		
23	section 2 of P.L.1957, c.130 (C.48:3-17.3))	[\$50.00]	<u>\$55.00</u>
24	For recording tax sale certificate, except by		
25	municipalities, or a redemption or assignment		
26	of tax sale certificate, first page	² [\$25.00]	<u>\$30.00</u> ²
27	Each additional page or part thereof	[\$5.00]	<u>\$10.00</u>
28	Certified copy of veteran's discharge	[\$1.00]	<u>\$6.00</u>
29	For indexing any recorded instrument in excess		
30	of 5 parties, per each name in excess of 5	[\$1.00]	<u>\$6.00</u>
31	For recording tax sale certificate, lien, deed,		
32	or related instrument by a municipality	[\$3.00]	<u>\$8.00</u>
33	For recording vacations or dedications of roads,		
34	first page	[\$25.00]	<u>\$30.00</u>
35	each additional page or part thereof	[\$5.00]	<u>\$10.00</u>
36	For disclaimers	[\$10.00]	<u>\$15.00</u>
37	(cf: P.L.2001, c.370, s.4)		
38			
39	39. (New section) a. There is established the "New Jersey Public		
40	Records Preservation Account," a dedicated account within the		
41	Department of the Treasury. Notwithstanding any other provision of		
42	law to the contrary, monies received by a county clerk attributable		
43	solely to the amount of increases to the fees imposed pursuant to		
44	section 2 of P.L.1965, c.123 (C.22A:4-4.1) (now pending before the		
45	Legislature as this bill) shall be paid by the county clerk to the		

1 Treasurer for deposit in the New Jersey Public Records Preservation
2 Account, two dollars of which shall be allocated for grants to counties
3 and municipalities for the management, storage and preservation of
4 public records and three dollars of which shall be allocated to the
5 Division of Archives and Records Management within the Department
6 of State for the management, storage and preservation of public
7 records.

8 b. The State Division of Archives and Records, in consultation
9 with the State Records Committee, may, pursuant to the provisions of
10 the Administrative Procedures Act, make, adopt, amend, or repeal
11 such rules and regulations as the Division finds necessary to carry out
12 the provisions of this subsection 2.

13
14 40. (New section) The Secretary of State is authorized to
15 establish reasonable fees for the specialized research, reference, and
16 reproduction services provided by the State Archives, Division of
17 Archives and Records Management in the Department of State,
18 involving permanent historical documents in any format or medium.
19 Such fees shall be established pursuant to the provisions of the
20 Administrative Procedures Act, and shall reflect the actual costs of the
21 services, including labor and overhead. All fees collected by the State
22 Archives for such services shall be paid into the existing nonlapsing
23 "Archives User Fees Account" administered by the Division of
24 Archives and Records Management.

25
26 41. N.J.S.22A:2-12 is amended to read as follows:

27 22A:2-12. Upon the filing of the first paper in any action or
28 proceeding in the Chancery Division of the Superior Court, there shall
29 be paid to the clerk of the court, for the use of the State, the following
30 fees, which, except as hereinafter provided, shall constitute the entire
31 fees to be collected by the clerk for the use of the State, down to the
32 final disposition of the cause:

33 Receivership and partition, \$200.00.

34 All other actions and proceedings except in probate cases and
35 actions and proceedings for divorce, \$200.00.

36 Actions and proceedings for divorce, ~~[\$200.00]~~ \$250.00, \$25.00
37 of which shall be forwarded by the Clerk of the Superior Court as
38 provided in section 2 of P.L.1993, c.188 (C.52:27D-43.24a).

39 Any person filing a motion in any action or proceeding shall pay to
40 the clerk \$30.00.

41 (cf: P.L.2002, c.34, s.28)

42
43 42. Section 2 of P.L.1993, c.188 (C.52:27D-43.24a) is amended
44 to read as follows:

45 2. The Clerk of the Superior Court shall forward \$25.00 of the
46 ~~[\$200.00]~~ \$250.00 filing fee for divorce provided for in N.J.S.22A:

1 2-12 on a quarterly basis to the Department of Community Affairs.
2 (cf: P.L.2002, c.34, s.29)

3
4 ³[43. (New section) a. On or before October 1, 2003 and on or
5 before each October 1 thereafter, or in the case of persons
6 commencing transporting passengers after that date at least 10
7 business days before the commencement of transporting, a fee of \$100
8 shall be due and payable for the operating period from October 1
9 through September 30 for each limousine, as that term is defined
10 pursuant to R.S.48:16-13, and any other vehicle for hire that is used
11 regularly to transport passengers, from or within New Jersey if such
12 vehicle is not registered in New Jersey and is registered in, licensed by,
13 or taxed by a jurisdiction that imposes a similar fee on out-of-state
14 limousines, taxis or livery services for operating within that
15 jurisdiction. For the purposes of this section, a limousine or other
16 motor vehicle for hire shall be deemed to be used regularly to
17 transport passengers to, from or within New Jersey and therefore to
18 be subject to the fee under this section if it is used to transport
19 passengers to, from or within New Jersey on any part of fifteen or
20 more days during the 12 month period preceding the current operating
21 period or during the current operating period.

22 b. Upon payment of the fee pursuant to subsection a. of this
23 section, the Chief Administrator of the New Jersey Motor Vehicle
24 Commission shall issue a "for hire" permit, which permit shall be
25 displayed in the vehicle at all times while the vehicle is within the
26 State, in a manner prescribed by the Chief Administrator.

27 c. Failure to display the "for hire" permit is a motor vehicle
28 violation, punishable by a fine of up to \$150 in addition to any other
29 penalty otherwise authorized for motor vehicle violations. Failure of
30 the owner or, in the case of a leased vehicle, the operator of the
31 limousine service, to pay the fee due under this section is a separate
32 motor vehicle violation and shall be punishable by a fine of not less
33 than \$200 or more than \$400, in addition to any other penalty
34 authorized for motor vehicle violations.

35 d. In adjudicating the violations specified by subsection c. of this
36 section, the trier of fact may infer from the fact that the vehicle was
37 involved in more than one motor vehicle stop, motor vehicle violation
38 or motor vehicle accident during the preceding twelve month period
39 that the vehicle was used regularly to transport persons to, from or
40 within New Jersey and that the fee due pursuant to subsection a. of
41 this section is applicable to the vehicle.

42 e. In addition to the motor vehicle violations set forth in
43 subsection c. of this section, a person who operates a vehicle required
44 to display a "for hire" permit and in which vehicle the permit is not
45 displayed is guilty of a motor vehicles violation and may be subject to
46 a fine of \$200 and, in the discretion of the Chief Administrator, to

1 suspension of driving privileges for a period of six months in
2 accordance with the procedures prescribed by R.S.39:5-30, in addition
3 to any other penalty authorized for motor vehicle violations.

4 f. The Chief Administrator is authorized to promulgate rules and
5 regulations necessary to effectuate the purposes of this section,
6 including but not limited to regulations concerning the assessment of
7 motor vehicle violation points for violation of the provisions of this
8 section and fee collection and remittance methods and procedures, in
9 accordance with the "Administrative Procedure Act," P.L.1968, c.410
10 (C.52:14B-1 et seq.), and prescribe forms to administer the provisions
11 of this section. Notwithstanding the provisions of P.L.1968, c.410 to
12 the contrary, the Chief Administrator may adopt immediately upon
13 filing with the Office of Administrative Law such regulations as the
14 Chief Administrator deems necessary to implement the provisions of
15 this section, which regulations shall be effective for a period not to
16 exceed 180 days from the date of the filing. The regulations may
17 thereafter be amended, adopted or readopted by the Chief
18 Administrator as the Chief Administrator deems necessary in
19 accordance with the requirements of P.L.1968, c.410.]]³

20
21 ³43. (New section) a. On or before October 1, 2003 and on or
22 before each October 1 thereafter, or in the case of persons
23 commencing transporting passengers after that date at least 10
24 business days before the commencement of transporting, a fee shall
25 be due and payable pursuant to this section for the operating period
26 from October 1 through September 30 for each limousine, as that term
27 is defined pursuant to R.S.48:16-13, and any other vehicle for hire that
28 is used to transport passengers, from or to a location in New Jersey if
29 such vehicle is not registered in New Jersey. If the only use of the
30 limousine or other vehicle for hire during the operating period is the
31 transporting of passengers to or from an airport located in this State,
32 the fee shall be \$100; in all other cases, the fee shall be \$250.

33 b. Upon payment of the fee pursuant to subsection a. of this
34 section, the Chief Administrator of the New Jersey Motor Vehicle
35 Commission shall issue a "for hire" permit, which permit shall be
36 displayed in the vehicle at all times while the vehicle is within the
37 State, in a manner prescribed by the Chief Administrator.

38 c. Failure to display the "for hire" permit is a motor vehicle
39 violation, punishable by a fine of up to \$350 in addition to any other
40 penalty otherwise authorized for motor vehicle violations. Failure to
41 pay the fee due under this section is a separate motor vehicle violation
42 and shall be punishable by a fine of not less than \$350, in addition to
43 any other penalty authorized for motor vehicle violations. A vehicle
44 failing to display a "for hire" permit may be impounded by a law
45 enforcement agency, its agent, or any other appropriate authority,
46 which may charge the owner or operator fees for the costs of towing

1 and impoundment.

2 d. The Chief Administrator is authorized to promulgate rules and
3 regulations necessary to effectuate the purposes of this section,
4 including, but not limited to, regulations concerning the assessment of
5 motor vehicle violation points for violation of the provisions of this
6 section and fee collection and remittance methods and procedures, in
7 accordance with the "Administrative Procedure Act," P.L.1968, c.410
8 (C.52:14B-1 et seq.), and prescribe forms to administer the provisions
9 of this section. Notwithstanding the provisions of P.L.1968, c.410 to
10 the contrary, the Chief Administrator may adopt immediately upon
11 filing with the Office of Administrative Law such regulations as the
12 Chief Administrator deems necessary to implement the provisions of
13 this section, which regulations shall be effective for a period not to
14 exceed 180 days from the date of the filing. The regulations may
15 thereafter be amended, adopted or readopted by the Chief
16 Administrator as the Chief Administrator deems necessary in
17 accordance with the requirements of P.L.1968, c.410.³

18

19 44. Section 6 of P.L.1977, c 44 (C.34:1B-27) is amended to read
20 as follows:

21 6. The Motion Picture and Television Development Commission
22 shall have the following powers:

23 a. To adopt such rules and regulations as it deems advisable with
24 respect to the conduct of its own affairs.

25 b. To hold hearings, and to do or perform any acts which may be
26 necessary, desirable or proper to carry out the purposes of this act.

27 c. To request and obtain from any department, division, board,
28 bureau, commission, or other agency of the State or of any county,
29 municipality, authority or other political subdivision within the State
30 such assistance and data as will enable it properly to carry out its
31 powers and duties hereunder.

32 d. To accept any Federal funds granted, by act of Congress or by
33 Executive Order, for all or any of the purposes of this act.

34 e. To accept any gifts, donations, bequests, or grants of funds
35 from private and public agencies for all or any of the purposes of this
36 act.

37 f. To coordinate the activities of similar councils or boards
38 appointed by any city or county within the State for all or any of the
39 purposes of this act.

40 g. To create advisory councils necessary for the performance of
41 responsibilities pursuant to this act and to appoint members thereto.

42 h. To directly secure any and all location permits from any
43 department, division, board, bureau, commission, or other agency of
44 the State or from any county, municipality, authority, or other political
45 subdivision within the State for applicants interested in motion picture
46 and television production within the State.

1 i. to establish reasonable fees, pursuant to the provisions of the
2 "Administrative Procedures Act," for the services provided by the
3 commission.

4 (cf: P.L.1977, c.44, s.6)

5

6 45. This act shall take effect immediately.